



ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರ

ಅಧಿಕೃತವಾಗಿ ಪ್ರಕಟಿಸಲಾದುದು

ಸಂಪುಟ ೧೫೩ Volume 153	ಬೆಂಗಳೂರು, ಗುರುವಾರ, ಸೆಪ್ಟೆಂಬರ್ ೨೭, ೨೦೧೮ (ಆಶ್ವಯುಜ ೫, ಶಕ ವರ್ಷ ೧೯೪೦) Bengaluru, Thursday, September 27, 2018 (Aashwayuja 5, Shaka Varsha 1940)	ಸಂಚಿಕೆ ೩೯ Issue 39
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ಭಾಗ ೪

ಕೇಂದ್ರದ ವಿಧೇಯಕಗಳು ಮತ್ತು ಅವುಗಳ ಮೇಲೆ ಪರಿಶೀಲನಾ ಸಮಿತಿಯ ವರದಿಗಳು,
ಕೇಂದ್ರದ ಅಧಿನಿಯಮಗಳು ಮತ್ತು ಅಧ್ಯಾದೇಶಗಳು, ಕೇಂದ್ರ ಸರ್ಕಾರದವರು ಹೊರಡಿಸಿದ
ಸಾಮಾನ್ಯ ಶಾಸನಬದ್ಧ ನಿಯಮಗಳು ಮತ್ತು ಶಾಸನಬದ್ಧ ಆದೇಶಗಳು ಮತ್ತು
ರಾಷ್ಟ್ರಪತಿಯವರಿಂದ ರಚಿತವಾಗಿ ರಾಜ್ಯ ಸರ್ಕಾರದವರಿಂದ
ಪುನಃ ಪ್ರಕಟವಾದ ಆದೇಶಗಳು
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳ ಸಚಿವಾಲಯ
ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವೃತಾಇ 11 ಕೇಶಾಪ್ರ 2018, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 13-08-2018.

ದಿನಾಂಕ: 26-07-2018 ರಂದು ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ Part-II Section-I ರಲ್ಲಿ ಪ್ರಕಟವಾದ The Prevention of Corruption (Amendment) Act, 2018 (No. 16 of 2018) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

MINISTRY OF LAW AND JUSTICE (Legislative Department)

New Delhi, the 26th July, 2018/Shravana 4, 1940 (Saka)

The following Act of Parliament received the assent of the President on the 26th July, 2018, and is hereby published for general information:—

THE PREVENTION OF CORRUPTION (AMENDMENT) ACT, 2018

No. 16 OF 2018

[26th July, 2018.]

An Act further to amend the Prevention of Corruption Act, 1988.

BE it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Prevention of Corruption (Amendment) Act, 2018.

Short title and
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

49 of 1988.

2. In the Prevention of Corruption Act, 1988 (hereinafter referred to as the principal Act), in section 2,—

Amendment of
section 2.

(i) after clause (a), the following clause shall be inserted, namely:—

“(aa) “prescribed” means prescribed by rules made under this Act and the expression “prescribe” shall be construed accordingly;”;

(ii) after clause (c), the following clause shall be inserted, namely:—

“(d) “undue advantage” means any gratification whatever, other than legal remuneration.

Explanation.—For the purposes of this clause,—

(a) the word “gratification” is not limited to pecuniary gratifications or to gratifications estimable in money;

(೫೯೭)

(b) the expression “legal remuneration” is not restricted to remuneration paid to a public servant, but includes all remuneration which he is permitted by the Government or the organisation, which he serves, to receive.’.

Amendment
of section 4.

3. In section 4 of the principal Act, for sub-section (4), the following sub-section shall be substituted, namely:—

“(4) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, the trial of an offence shall be held, as far as practicable, on day-to-day basis and an endeavour shall be made to ensure that the said trial is concluded within a period of two years:

2 of 1974.

Provided that where the trial is not concluded within the said period, the special Judge shall record the reasons for not having done so:

Provided further that the said period may be extended by such further period, for reasons to be recorded in writing but not exceeding six months at a time; so, however, that the said period together with such extended period shall not exceed ordinarily four years in aggregate.”.

Substitution of
new sections
for sections 7,
8, 9 and 10.

4. For sections 7, 8, 9 and 10 of the principal Act, the following sections shall be substituted, namely:—

Offence
relating to
public servant
being bribed.

“7. Any public servant who,—

(a) obtains or accepts or attempts to obtain from any person, an undue advantage, with the intention to perform or cause performance of public duty improperly or dishonestly or to forbear or cause forbearance to perform such duty either by himself or by another public servant; or

(b) obtains or accepts or attempts to obtain, an undue advantage from any person as a reward for the improper or dishonest performance of a public duty or for forbearing to perform such duty either by himself or another public servant; or

(c) performs or induces another public servant to perform improperly or dishonestly a public duty or to forbear performance of such duty in anticipation of or in consequence of accepting an undue advantage from any person,

shall be punishable with imprisonment for a term which shall not be less than three years but which may extend to seven years and shall also be liable to fine.

Explanation 1.—For the purpose of this section, the obtaining, accepting, or the attempting to obtain an undue advantage shall itself constitute an offence even if the performance of a public duty by public servant, is not or has not been improper.

Illustration.—A public servant, ‘S’ asks a person, ‘P’ to give him an amount of five thousand rupees to process his routine ration card application on time. ‘S’ is guilty of an offence under this section.

Explanation 2.—For the purpose of this section,—

(i) the expressions “obtains” or “accepts” or “attempts to obtain” shall cover cases where a person being a public servant, obtains or “accepts” or attempts to obtain, any undue advantage for himself or for another person, by abusing his position as a public servant or by using his personal influence over another public servant; or by any other corrupt or illegal means;

(ii) it shall be immaterial whether such person being a public servant obtains or accepts, or attempts to obtain the undue advantage directly or through a third party.

“7A. Whoever accepts or obtains or attempts to obtain from another person for himself or for any other person any undue advantage as a motive or reward to induce a public servant, by corrupt or illegal means or by exercise of his personal influence to perform or to cause performance of a public duty improperly or dishonestly or to forbear or to cause to forbear such public duty by such public servant or by another public servant, shall be punishable with imprisonment for a term which shall not be less than three years but which may extend to seven years and shall also be liable to fine.

Taking undue advantage to influence public servant by corrupt or illegal means or by exercise of personal influence.

8. (1) Any person who gives or promises to give an undue advantage to another person or persons, with intention—

Offence relating to bribing of a public servant.

(i) to induce a public servant to perform improperly a public duty; or

(ii) to reward such public servant for the improper performance of public duty;

shall be punishable with imprisonment for a term which may extend to seven years or with fine or with both:

Provided that the provisions of this section shall not apply where a person is compelled to give such undue advantage:

Provided further that the person so compelled shall report the matter to the law enforcement authority or investigating agency within a period of seven days from the date of giving such undue advantage:

Provided also that when the offence under this section has been committed by commercial organisation, such commercial organisation shall be punishable with fine.

Illustration.—A person, ‘P’ gives a public servant, ‘S’ an amount of ten thousand rupees to ensure that he is granted a license, over all the other bidders. ‘P’ is guilty of an offence under this sub-section.

Explanation.—It shall be immaterial whether the person to whom an undue advantage is given or promised to be given is the same person as the person who is to perform, or has performed, the public duty concerned, and, it shall also be immaterial whether such undue advantage is given or promised to be given by the person directly or through a third party.

(2) Nothing in sub-section (1) shall apply to a person, if that person, after informing a law enforcement authority or investigating agency, gives or promises to give any undue advantage to another person in order to assist such law enforcement authority or investigating agency in its investigation of the offence alleged against the later.

9. (1) Where an offence under this Act has been committed by a commercial organisation, such organisation shall be punishable with fine, if any person associated with such commercial organisation gives or promises to give any undue advantage to a public servant intending—

Offence relating to bribing a public servant by a commercial organisation.

(a) to obtain or retain business for such commercial organisation; or

(b) to obtain or retain an advantage in the conduct of business for such commercial organisation:

Provided that it shall be a defence for the commercial organisation to prove that it had in place adequate procedures in compliance of such guidelines as may be prescribed to prevent persons associated with it from undertaking such conduct.

(2) For the purposes of this section, a person is said to give or promise to give any undue advantage to a public servant, if he is alleged to have committed the offence under section 8, whether or not such person has been prosecuted for such offence.

(3) For the purposes of section 8 and this section,—

(a) “commercial organisation” means—

(i) a body which is incorporated in India and which carries on a business, whether in India or outside India;

(ii) any other body which is incorporated outside India and which carries on a business, or part of a business, in any part of India;

(iii) a partnership firm or any association of persons formed in India and which carries on a business whether in India or outside India; or

(iv) any other partnership or association of persons which is formed outside India and which carries on a business, or part of a business, in any part of India;

(b) “business” includes a trade or profession or providing service;

(c) a person is said to be associated with the commercial organisation, if such person performs services for or on behalf of the commercial organisation irrespective of any promise to give or giving of any undue advantage which constitutes an offence under sub-section (1).

Explanation 1.—The capacity in which the person performs services for or on behalf of the commercial organisation shall not matter irrespective of whether such person is employee or agent or subsidiary of such commercial organisation.

Explanation 2.—Whether or not the person is a person who performs services for or on behalf of the commercial organisation is to be determined by reference to all the relevant circumstances and not merely by reference to the nature of the relationship between such person and the commercial organisation.

Explanation 3.—If the person is an employee of the commercial organisation, it shall be presumed unless the contrary is proved that such person is a person who has performed services for or on behalf of the commercial organisation.

(4) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, the offence under sections 7A, 8 and this section shall be cognizable.

2 of 1974.

(5) The Central Government shall, in consultation with the concerned stakeholders including departments and with a view to preventing persons associated with commercial organisations from bribing any person, being a public servant, prescribe such guidelines as may be considered necessary which can be put in place for compliance by such organisations.

Person in charge of commercial organisation to be guilty of offence.

10. Where an offence under section 9 is committed by a commercial organisation, and such offence is proved in the court to have been committed with the consent or connivance of any director, manager, secretary or other officer shall be of the commercial organisation, such director, manager, secretary or other officer shall be guilty of the offence and shall be liable to be proceeded against and shall be punishable with imprisonment for a term which shall not be less than three years but which may extend to seven years and shall also be liable to fine.

Explanation.—For the purposes of this section, “director”, in relation to a firm means a partner in the firm.”.

Amendment of section 11.

5. In section 11 of the principal Act,—

(i) in the marginal heading, for the words “valuable thing”, the words “undue advantage” shall be substituted;

(ii) the words “or agrees to accept” shall be omitted;

(iii) for the words “valuable thing”, the words “undue advantage” shall be substituted;

(iv) for the words “official functions”, the words “official functions or public duty” shall be substituted.

Substitution of new section for section 12.

6. For section 12 of the principal Act, the following section shall be substituted, namely:—

<p>“12. Whoever abets any offence punishable under this Act, whether or not that offence is committed in consequence of that abetment, shall be punishable with imprisonment for a term which shall be not less than three years, but which may extend to seven years and shall also be liable to fine.”.</p>	<p>Punishment for abetment of offences.</p>
<p>7. In section 13 of the principal Act, for sub-section (1), the following shall be substituted, namely:—</p>	<p>Amendment of section 13.</p>
<p>“(1) A public servant is said to commit the offence of criminal misconduct,—</p> <p>(a) if he dishonestly or fraudulently misappropriates or otherwise converts for his own use any property entrusted to him or any property under his control as a public servant or allows any other person so to do; or</p> <p>(b) if he intentionally enriches himself illicitly during the period of his office.</p>	
<p><i>Explanation 1.</i>—A person shall be presumed to have intentionally enriched himself illicitly if he or any person on his behalf, is in possession of or has, at any time during the period of his office, been in possession of pecuniary resources or property disproportionate to his known sources of income which the public servant cannot satisfactorily account for.</p>	
<p><i>Explanation 2.</i>—The expression “known sources of income” means income received from any lawful sources.”.</p>	
<p>8. For section 14 of the principal Act, the following section shall be substituted, namely:—</p>	<p>Substitution of new section for section 14.</p>
<p>“14. Whoever convicted of an offence under this Act subsequently commits an offence punishable under this Act, shall be punishable with imprisonment for a term which shall be not less than five years but which may extend to ten years and shall also be liable to fine.”.</p>	<p>Punishment for habitual offender.</p>
<p>9. In section 15 of the principal Act, for the words, brackets and letters “clause (c) or clause (d)”, the word, brackets, and letter “clause (a)” shall be substituted.</p>	<p>Amendment of section 15.</p>
<p>10. In section 16 of the principal Act,—</p> <p>(a) for the words, brackets and figures, “sub-section (2) of section 13 or section 14”, the words, figures and brackets “section 7 or section 8 or section 9 or section 10 or section 11 or sub-section (2) of section 13 or section 14 or section 15” shall be substituted;</p> <p>(b) for the word, brackets and letter “clause (e)”, the word, brackets and letter “clause (b)” shall be substituted.</p>	<p>Amendment of section 16.</p>
<p>11. In section 17 of the principal Act, in the second proviso, for the words, brackets, letter and figure “clause (e) of sub-section (1)”, the words, brackets, letter and figure “clause (b) of sub-section (1)” shall be substituted.</p>	<p>Amendment of section 17.</p>
<p>12. After section 17 of the principal Act, the following section shall be inserted, namely:—</p>	<p>Insertion of new section 17A.</p>
<p>“17A. (1) No police officer shall conduct any enquiry or inquiry or investigation into any offence alleged to have been committed by a public servant under this Act, where the alleged offence is relatable to any recommendation made or decision taken by such public servant in discharge of his official functions or duties, without the previous approval—</p> <p>(a) in the case of a person who is or was employed, at the time when the offence was alleged to have been committed, in connection with the affairs of the Union, of that Government;</p> <p>(b) in the case of a person who is or was employed, at the time when the offence was alleged to have been committed, in connection with the affairs of a State, of that Government;</p>	<p>Enquiry or Inquiry or investigation of offences relatable to recommendations made or decision taken by public servant in discharge of official functions or duties.</p>

(c) in the case of any other person, of the authority competent to remove him from his office, at the time when the offence was alleged to have been committed:

Provided that no such approval shall be necessary for cases involving arrest of a person on the spot on the charge of accepting or attempting to accept any undue advantage for himself or for any other person:

Provided further that the concerned authority shall convey its decision under this section within a period of three months, which may, for reasons to be recorded in writing by such authority, be extended by a further period of one month.”.

Insertion of
new Chapter
IVA.

13. After Chapter IV of the principal Act, the following Chapter shall be inserted, namely:—

‘CHAPTER IVA

ATTACHMENT AND FORFEITURE OF PROPERTY

Provisions of
Criminal Law
Amendment
Ordinance,
1944 to apply
to attachment
under this Act.

18A. (1) Save as otherwise provided under the Prevention of Money Laundering Act, 2002, the provisions of the Criminal Law Amendment Ordinance, 1944 shall, as far as may be, apply to the attachment, administration of attached property and execution of order of attachment or confiscation of money or property procured by means of an offence under this Act.

15 of 2003.
Ord. 38 of
1944.

(2) For the purposes of this Act, the provisions of the Criminal Law Amendment Ordinance, 1944 shall have effect, subject to the modification that the references to “District Judge” shall be construed as references to “Special Judge”.

Ord. 38 of
1944.

Amendment of
section 19.

14. In section 19 of the principal Act, in sub-section (1),—

(i) for the words and figures “sections 7, 10, 11, 13 and 15”, the words and figures “sections 7, 11, 13 and 15” shall be substituted;

(ii) in clause (a), for the words “who is employed”, the words “who is employed, or as the case may be, was at the time of commission of the alleged offence employed” shall be substituted;

(iii) in clause (b), for the words “who is employed”, the words “who is employed, or as the case may be, was at the time of commission of the alleged offence employed” shall be substituted;

(iv) after clause (c), the following shall be inserted, namely:—

“Provided that no request can be made, by a person other than a police officer or an officer of an investigation agency or other law enforcement authority, to the appropriate Government or competent authority, as the case may be, for the previous sanction of such Government or authority for taking cognizance by the court of any of the offences specified in this sub-section, unless—

(i) such person has filed a complaint in a competent court about the alleged offences for which the public servant is sought to be prosecuted; and

(ii) the court has not dismissed the complaint under section 203 of the Code of Criminal Procedure, 1973 and directed the complainant to obtain the sanction for prosecution against the public servant for further proceeding:

2 of 1974.

Provided further that in the case of request from the person other than a police officer or an officer of an investigation agency or other law enforcement authority, the appropriate Government or competent authority shall not accord sanction to prosecute a public servant without providing an opportunity of being heard to the concerned public servant:

Provided also that the appropriate Government or any competent authority shall, after the receipt of the proposal requiring sanction for prosecution of a public servant under this sub-section, endeavour to convey the decision on such proposal within a period of three months from the date of its receipt:

Provided also that in case where, for the purpose of grant of sanction for prosecution, legal consultation is required, such period may, for the reasons to be recorded in writing, be extended by a further period of one month:

Provided also that the Central Government may, for the purpose of sanction for prosecution of a public servant, prescribe such guidelines as it considers necessary.

Explanation.—For the purposes of sub-section (1), the expression "public servant" includes such person—

(a) who has ceased to hold the office during which the offence is alleged to have been committed; or

(b) who has ceased to hold the office during which the offence is alleged to have been committed and is holding an office other than the office during which the offence is alleged to have been committed."

15. For section 20 of the principal Act, the following section shall be substituted, namely:—

Substitution of new section for section 20.

"20. Where, in any trial of an offence punishable under section 7 or under section 11, it is proved that a public servant accused of an offence has accepted or obtained or attempted to obtain for himself, or for any other person, any undue advantage from any person, it shall be presumed, unless the contrary is proved, that he accepted or obtained or attempted to obtain that undue advantage, as a motive or reward under section 7 for performing or to cause performance of a public duty improperly or dishonestly either by himself or by another public servant or, as the case may be, any undue advantage without consideration or for a consideration which he knows to be inadequate under section 11."

Presumption where public servant accepts any undue advantage.

16. In section 23 of the principal Act,—

Amendment of section 23.

(a) in the marginal heading, for the word, figures, brackets and letter "section 13 (1) (c)", the word, figures, brackets and letter "section 13 (1) (A)" shall be substituted;

(b) for the word, brackets and letter "clause (c)", the word, brackets and letter "clause (a)" shall be substituted.

17. Section 24 of the principal Act shall be omitted.

Omission of section 24.

18. After section 29 of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 29A.

"29A. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

Power to make rules.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) guidelines which can be put in place by commercial organisation under section 9;".

(b) guidelines for sanction of prosecution under sub-section (1) of section 19;".

(c) any other matter which is required to be, or may be, prescribed.

(3) Every rule made under this Act, shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the

rule, or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.”.

Amendment
of Act 15 of
2003.

19. In the Prevention of Money Laundering Act, 2002, in Part A of the Schedule, for Paragraph 8, the following Paragraph shall be substituted, namely:—

“PARAGRAPH 8

OFFENCES UNDER THE PREVENTION OF CORRUPTION ACT, 1988

(49 OF 1988)

Section Description of offence.

7. Offence relating to public servant being bribed.
- 7A. Taking undue advantage to influence public servant by corrupt or illegal means or by exercise of personal influence.
8. Offence relating to bribing a public servant.
9. Offence relating to bribing a public servant by a commercial organisation.
10. Person in charge of commercial organisation to be guilty of offence.
11. Public servant obtaining undue advantage, without consideration from person concerned in proceeding or business transacted by such public servant.
12. Punishment for abetment of offences.
13. Criminal misconduct by a public servant.
14. Punishment for habitual offender.”.

DR. G. NARAYANA RAJU,
Secretary to the Govt. of India.

MANOJ
KUMAR

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MANOJ KUMAR
Date: 2018.07.26
21:22:06 +05'30'

P.R. 39
SC - 20

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,

ಆರ್. ಶ್ರೀನಿವಾಸ,

ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ

ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ,

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳ ಇಲಾಖೆ.

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳ ಸಚಿವಾಲಯ
ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯೂ 31 ಕೇನಿಪ್ರ 2018, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 13-07-2018.

2018ನೇ ಸಾಲಿನ 27-06-2018 ನೇ ದಿನಾಂಕದ ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ Part-II Section-3(ii) ರಲ್ಲಿ ಪ್ರಕಟವಾದ S.O.588(E) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT

(Department of Social Justice and Empowerment)

NOTIFICATION

New Delhi, the 27th June, 2018

G.S.R. 588(E).—In exercise of the powers conferred by sub-section (1) of section 23 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (33 of 1989), the Central Government hereby makes the following rules further to amend the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Rules, 1995, namely:-

1. (1) These rules may be called the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Rules, 2018.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Rules, 1995 (hereinafter referred to as the rules), in rule 2, after clause (g), the following clause shall be inserted, namely:-

(ga) "voluntarily" shall have the same meaning as assigned to it in section 39 of the Indian Penal Code (45 of 1860).'

[F. No. 11012/1/2016-PCR (Desk)]

3. In the said rules, in rule 12. for sub-rule (5), the following sub-rule shall be substituted, namely:-

"(5) The relief provided to the victim of the atrocity or his/her dependent under sub-rule (4) in respect of death, or injury or rape, or gang rape, or unnatural offences, or voluntarily causing grievous hurt by use of acid, or voluntarily throwing or attempting to throw acid etc. or damage to property shall be in addition to any other right to claim compensation respect thereof under any other law for the time being in force."

4. In the said rules. In sub-rule (1) of rule 16, the words and figures "of not more than 25 members" shall be omitted.

5. In the said rules, in the Schedule, in annexure-I,-

(a) against Sr. No. 24, in column (2), for the entries, the following entries shall be substituted, namely:-

"Section 326A of the Indian Penal Code (45 of 1860)- Voluntarily causing grievous hurt by use of acid, etc.,

Section 326B of the Indian Penal Code (45 of 1860)- Voluntarily throwing or attempting to throw acid,

[Section 3(2)(v), 3(2)(va) read with Schedule to the Act]" shall be substituted;

(b) against Sr. No. 26, in column (2), for the words, figures, brackets and letters "Section 32(va)", the words, figures, bracket and letters "Section 3 (a) (va)" shall be substituted;

(c) against Sr. No. 44, in column (2),-

(i) For the words, "Rape or Gang rape", the words "Rape, Unnatural Offences or Gang rape" shall be substituted;

(ii) For item (i), the following item shall be substituted, namely:-

"(i) Rape, etc., or Unnatural Offences (Sections 375, 376, 376A, 376E and 377 of the Indian Penal Code (45 of 1860))."

[F. No. 11012/1/2016-PCR (Desk)]

AINDRI ANURAG, Jt. Secy

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P.R. 40
SC - 20

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,

ಆರ್. ಶ್ರೀನಿವಾಸ,

ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ

ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ,

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳ ಇಲಾಖೆ.

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳ ಸಚಿವಾಲಯ

ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯೂ 32 ಕೇನಿಪ್ರ 2018, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 13-07-2018.

2018ನೇ ಸಾಲಿನ 07-07-2018 ನೇ ದಿನಾಂಕದ ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ Part-II Section-3(ii) ರಲ್ಲಿ ಪ್ರಕಟವಾದ S.O.3339(E) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

MINISTRY OF ROAD TRANSPORT AND HIGHWAYS

NOTIFICATION

New Delhi, the 6th July, 2018.

S.O. 3339(E).—In exercise of powers conferred by sub-section (1) of section 3A of the National Highways Act, 1956 (48 of 1956) (hereinafter referred to as the said Act), the Central Government, after being satisfied that for the public purpose, the land, the brief description of which is given in the Schedule below, is required for building (widening/two lane with paved shoulder/four laning etc.), maintenance, management and operation of NH218 in the stretch of land from Km. 15.06 to Km.16.57 (Special land aquisition office, National Highways, Mini Vidhan Soudha Dharwad) in the district of Bijapur in the state of KARNATAKA, hereby declares its intention to acquire such land.

Any person interested in the said land may, within twenty-one days from the date of publication of this notification in the Official Gazette, object to the use of such land for the aforesaid purpose under sub-section (1) of section 3C of the said Act.

Every such objection shall be made to the Competent Authority, namely, special land aquisition officer in writing and shall set out the grounds thereof and the Competent Authority shall give the objector an opportunity of being heard, either in person or by a legal practitioner, and may, after hearing all such objections and after making such further enquiry, if any, as the Competent Authority thinks necessary, by order, either allow or disallow the objections.

Any order made by the Competent Authority under sub-section (2) of section 3C of the said Act shall be final.

The land plans and other details of the land to be acquired under their notification are available and can be inspected by the interested person at the aforesaid office of the Competent Authority.

SCHEDULE

Brief Description of the land to be acquired with or without structures falling NH218 in the stretch of land from NH218 (Special land aquisition office, National Highways, Mini Vidhan Soudha Dharwad) in the district of Bijapur in the State of KARNATAKA

State: KARNATAKA		District: Bijapur			
S.No.	Survey / Plot Number	Type of Land	Nature of Land	Area (in Local Unit)	Area (in Hectare)
Taluk: Bijapur					
Village: Honaganahalli					
1	179	Private	Dry	4514.83(Square Meter)	0.451483
2	176	Private	Dry	2235.18(Square Meter)	0.223518
3	178	Private	Dry	4383.53(Square Meter)	0.438353
4	180	Private	dry	5174.16(Square Meter)	0.517416
5	181	Private	dry	2857.03(Square Meter)	0.285703
6	182	Private	dry	657.32(Square Meter)	0.065732
7	183	Private	dry	869.12(Square Meter)	0.086912
8	187	Private	dry	521.27(Square Meter)	0.052127
9	203	Private	dry	1216.53(Square Meter)	0.121653
10	204	Private	dry	2706.11(Square Meter)	0.270611
11	205	Private	dry	1680.91(Square Meter)	0.168091
12	206	Private	dry	442.58(Square Meter)	0.044258
13	210	Private	dry	1285.87(Square Meter)	0.128587
14	211	Private	dry	1023.95(Square Meter)	0.102395
15	214	Private	dry	1238.801(Square Meter)	0.1238801
16	215	Private	dry	6569.72(Square Meter)	0.656972
17	216	Private	dry	6925.81(Square Meter)	0.692581
18	217	Private	dry	871.66(Square Meter)	0.087166
Total				45,174.3810	4.5174

[F. No. 12037/1/2017-KNT(P-6/3A)]

RAJESH GUPTA, Dy. Secy.

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SC - 20

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,

ಆರ್. ಶ್ರೀನಿವಾಸ,

ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ

ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ,

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳ ಇಲಾಖೆ.

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳ ಸಚಿವಾಲಯ
ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 13 ಕೇಶಾಪ್ರ 2018, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 21-08-2018.

ದಿನಾಂಕ: 19-01-2018 ರಂದು ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ Part-II Section-I ರಲ್ಲಿ ಪ್ರಕಟವಾದ The National Bank Agriculture and Rural Development (Amendment) Act, 2017 (No. 7 of 2018) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, the 19th January, 2018/Pausha 29, 1939 (Saka)

The following Act of Parliament received the assent of the President on the 18th January, 2018, and is hereby published for general information:—

**THE NATIONAL BANK FOR AGRICULTURE AND RURAL
DEVELOPMENT (AMENDMENT) ACT, 2017**

No. 7 OF 2018

[18th January, 2018.]

An Act further to amend the National Bank for Agriculture and
Rural Development Act, 1981.

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the National Bank for Agriculture and Rural Development (Amendment) Act, 2018. Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different provisions of this Act.

61 of 1981.

2. In the National Bank for Agriculture and Rural Development Act, 1981 (hereinafter referred to as the principal Act), in the long title, for the words “small-scale industries, cottage and village industries”, the words “micro-enterprises, small enterprises and medium enterprises, cottage and village industries, handlooms” shall be substituted. Amendment of long title.

Amendment
of section 2.

3. In section 2 of the principal Act,—

(a) clause (i) shall be omitted;

(b) after clause (k), the following clause shall be inserted, namely:—

“(ka) “micro enterprise”, “small enterprise” and “medium enterprise”, shall have the same meanings as are respectively assigned to them in the Micro, Small and Medium Enterprises Development Act, 2006;”;

27 of 2006.

(c) in clause (q), in the *Explanation*, in clause (a), for the words “industry in the tiny and decentralised sector and small-scale industry and handicrafts”, the words “micro-enterprises, small enterprises and medium enterprises, handicrafts, handlooms” shall be substituted;

(d) clause (t) shall be omitted.

Amendment
of section 3.

4. In section 3 of the principal Act, in sub-section (3), for the word “Bombay”, the word “Mumbai” shall be substituted.

Amendment
of section 4.

5. In section 4 of the principal Act,—

(a) in sub-section (1), for the proviso, the following provisos shall be substituted, namely:—

“Provided that the Central Government may, by notification, increase the said capital up to thirty thousand crore rupees:

Provided further that the Central Government may, in consultation with the Reserve Bank and by notification, further increase the said capital to such amount as it may deem necessary from time to time.”;

(b) for sub-section (2), the following sub-sections shall be substituted, namely:—

“(2) The capital of the National Bank which has been subscribed to by the Reserve Bank valued at twenty crore rupees as on the date immediately preceding the commencement of the National Bank for Agriculture and Rural Development (Amendment) Act, 2017 shall, on such commencement, stand transferred to, and vested in, the Central Government:

Provided that the National Bank may issue capital to such institutions and persons in such manner as may be notified by the Central Government:

Provided further that the shareholding of the Central Government shall not at any time be less than fifty-one per cent. of the total subscribed capital.

(3) The Central Government shall give to the Reserve Bank an amount equal to the face value of the subscribed capital, valued at twenty crores of rupees, referred to in sub-section (2), in cash, for transfer to, and vesting in the Central Government of the capital of the National Bank which has been so subscribed to by the said Bank.”.

Amendment
of section 6.

6. In section 6 of the principal Act, in sub-section (1), in clause (b), for the words “small-scale industries”, the words “micro-enterprises, small enterprises and medium enterprises” shall be substituted.

Amendment
of section 14.

7. In section 14 of the principal Act, in sub-section (1), for the words “small-scale industries”, the words “micro-enterprises, small enterprises and medium enterprises” shall be substituted.

Amendment
of section 21.

8. In section 21 of the principal Act, in sub-section (1), in clause (v), for the words “small-scale industries, industries in the tiny and decentralised sector, village and cottage industries or of those engaged in the field of handicrafts,”, the words “village and cottage industries, micro-enterprises, small enterprises and medium enterprises or of those engaged in the field of handicrafts, handlooms” shall be substituted.

	9. In section 23 of the principal Act, for the words “small-scale industries, industries in the tiny and decentralised sector, village and cottage industries and those engaged in the field of handicrafts and other rural crafts,”, the words “village and cottage industries, micro enterprises, small enterprises and medium enterprises and those engaged in the field of handicrafts, handlooms and other rural crafts” shall be substituted.	Amendment of section 23.
	10. In section 25 of the principal Act, in sub-section (I), in clause (c), for the words “small-scale industries, industries in the tiny and decentralised sector, village and cottage industries and those engaged in the field of handicrafts”, the words “village and cottage industries, micro-enterprises, small enterprises and medium enterprises and those engaged in the field of handicrafts, handlooms” shall be substituted.	Amendment of section 25.
	11. In section 37A of the principal Act, in sub-section (I),— (a) in the proviso, in clauses (a) and (b), for the words and figures “in section 617 of the Companies Act, 1956”, the words, brackets and figures “in clause (45) of section 2 of the Companies Act, 2013” shall be substituted; (b) in the <i>Explanation</i> , for the words, brackets and figures “in clause (41) of section 2 of the Companies Act, 1956”, the words, brackets and figures “in clause (77) of section 2 of the Companies Act, 2013” shall be substituted.	Amendment of section 37A.
1 of 1956. 18 of 2013.	12. In section 48 of the principal Act, in sub-section (I), for the words and figures “section 226 of the Companies Act, 1956”, the words and figures “section 141 of the Companies Act, 2013” shall be substituted.	Amendment of section 48.
1 of 1956. 18 of 2013.	13. In section 52A of the principal Act, in sub-section (I), for the words and figures “the Companies Act, 1956”, the words and figures “the Companies Act, 2013” shall be substituted.	Amendment of section 52A.

DR. G. NARAYANA RAJU,
Secretary to the Govt. of India.

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P.R. 42
SC - 20

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,

ಆರ್. ಶ್ರೀನಿವಾಸ,

ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ

ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ,

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳ ಇಲಾಖೆ.

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳ ಸಚಿವಾಲಯ
ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ ೨೨ ಕೇಶಾಪ್ರ ೨೦೧೮, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: ೨೧-೦೮-೨೦೧೮.

ದಿನಾಂಕ: 16-02-2018 ರಂದು ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ Part-II Section-1 ರಲ್ಲಿ ಪ್ರಕಟವಾದ Corrigenda in the The National Bank Agriculture and Rural Development (Amendment) Act, 2017 (No. 7 of 2018) and Corrigendum in the Insolvency and Bankruptcy Code (Amendment) Act, 2017 (No. 8 of 2018) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, the 16th February, 2018/Magha 27, 1939 (Saka)

CORRIGENDA

**IN THE NATIONAL BANK FOR AGRICULTURE AND RURAL
DEVELOPMENT (AMENDMENT) ACT, 2017**

No. 7 OF 2018

In the NATIONAL BANK FOR AGRICULTURE AND RURAL DEVELOPMENT (AMENDMENT) ACT, 2017 (No. 7 OF 2018) as published in the Gazette of India, Extraordinary, Part II, Section 1, Issue No. 7, dated 19th January, 2018,—

- (i) at page 1, in main title, for “Act, 2017”, read “Act, 2018”;
- (ii) at Page 2, in line 26, for “Act, 2017”, read “Act, 2018”.

CORRIGENDUM

THE INSOLVENCY AND BANKRUPTCY CODE (AMENDMENT) ACT, 2017

No. 8 OF 2018

In the INSOLVENCY AND BANKRUPTCY CODE (AMENDMENT) ACT, 2017 (No. 8 OF 2018) as published in the Gazette of India, Extraordinary, Part II, Section 1, Issue No. 8, dated the 19th January, 2018, at page No. 1, in main title, for “Act, 2017”, read “Act, 2018”.

DR. G. NARAYANA RAJU,
Secretary to the Govt. of India.

P.R. 43
SC - 20

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,

ಆರ್. ಶ್ರೀನಿವಾಸ,

ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ

ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ,

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳ ಇಲಾಖೆ.

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳ ಸಚಿವಾಲಯ
ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಾಖ್ಯೆ 16 ಕೇಶಾಪ್ರ 2018, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 21-08-2018.

ದಿನಾಂಕ: 19-01-2018 ರಂದು ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ Part-II Section-1 ರಲ್ಲಿ ಪ್ರಕಟವಾದ The Goods and Services Tax (Compensation to States) Amendment Act, 2017 (No. 9 of 2018) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, the 19th January, 2018/Pausha 29, 1939 (Saka)

The following Act of Parliament received the assent of the President on the 19th January, 2018, and is hereby published for general information:—

**THE GOODS AND SERVICES TAX (COMPENSATION TO STATES)
AMENDMENT ACT, 2017**

No. 9 OF 2018

[19th January, 2018.]

**An Act to amend the Goods and Services Tax (Compensation to States)
Act, 2017.**

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Goods and Services Tax (Compensation to States) Amendment Act, 2017. Short title and commencement.

(2) It shall be deemed to have come into force on the 2nd day of September, 2017.

15 of 2017.

2. In the Goods and Services Tax (Compensation to States) Act, 2017, in the Schedule,— Amendment to Schedule.

(i) after serial number 4 and the entries relating thereto, the following serial number and entries shall be inserted, namely:—

(1)	(2)	(3)	(4)
"4A	Motor vehicles for the transport of not more than thirteen persons, including the driver.	8702 10, 8702 20, 8702 30 or 8702 90	Twenty-five per cent. <i>ad valorem</i> .";

(ii) against serial number 5, for the entry in column (4), the entry "Twenty-five per cent. *ad valorem*" shall be substituted.

Repeal and savings.

3. (1) The Goods and Services Tax (Compensation to States) Amendment Ordinance, 2017 is hereby repealed.

Ord. 5 of 2017.

(2) Notwithstanding such repeal, anything done or any action taken under the Goods and Services Tax (Compensation to States) Act, 2017, as amended by the said Ordinance, shall be deemed to have been done or taken under the said Act as amended by this Act. 15 of 2017.

DR. G. NARAYANA RAJU,
Secretary to the Govt. of India.

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ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,

ಆರ್. ಶ್ರೀನಿವಾಸ,

ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ

ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ,

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳ ಇಲಾಖೆ.

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳ ಸಚಿವಾಲಯ
ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಾಳ 18 ಕೇಶಾಪ್ರ 2018, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 21-08-2018.

ದಿನಾಂಕ: 08-01-2018 ರಂದು ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ Part-II Section-1 ರಲ್ಲಿ ಪ್ರಕಟವಾದ The Indian Institute of Petroleum and Energy Act, 2017 (No. 3 of 2018) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, the 8th January, 2018/Pausha 18, 1939 (Saka)

The following Act of Parliament received the assent of the President on the 5th January, 2018, and is hereby published for general information:—

THE INDIAN INSTITUTE OF PETROLEUM AND ENERGY ACT, 2017

No. 3 OF 2018

[5th January, 2018.]

An Act to declare the institution known as the Indian Institute of Petroleum and Energy to be an institution of national importance and to provide for its incorporation and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Indian Institute of Petroleum and Energy Act, 2017.

Short title and
commence-
ment.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different provisions of this Act.

2. Whereas the objects of the institution known as the Indian Institute of Petroleum and Energy, Vishakhapatnam, Andhra Pradesh are such as to make the institution one of national importance, it is hereby declared that the institution known as the Indian Institute of Petroleum and Energy is an institution of national importance.

Declaration
of Indian
Institute of
Petroleum
and Energy as
an institution
of national
importance.

Definitions.

3. In this Act, unless the context otherwise requires,—

- (a) "appointed day" means the date appointed under sub-section (2) of section 1 for coming into force of this Act;
- (b) "Board" means the Board of Governors of the Institute constituted under sub-section (1) of section 5;
- (c) "Chairperson" means the Chairperson of the General Council;
- (d) "Director" means the Director of the Institute appointed under section 20;
- (e) "fund" means the fund of the Institute to be maintained under section 24;
- (f) "General Council" means the General Council constituted under sub-section (1) of section 15;
- (g) "Institute" means the Indian Institute of Petroleum and Energy incorporated under section 4;
- (h) "President" means the President of the Board appointed under clause (a) of sub-section (1) of section 5;
- (i) "Registrar" means the Registrar of the Institute referred to in section 21;
- (j) "Senate" means the Senate of the Institute referred to in section 17;
- (k) "Society" means the Indian Institute of Petroleum and Energy Society, Vishakhapatnam, Andhra Pradesh registered under the Andhra Pradesh Societies Registration Act, 2001; and
- (l) "Statutes" and "Ordinances" mean, respectively, the Statutes and the Ordinances of the Institute made under this Act.

Andhra Pradesh Act 35 of 2001.

Incorporation of Institute.

4. The Indian Institute of Petroleum and Energy, Vishakhapatnam, Andhra Pradesh, an institution registered under the Andhra Pradesh Societies Registration Act, 2001, shall be a body corporate having perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property and to contract, and shall, by that name, sue and be sued.

Andhra Pradesh Act 35 of 2001.

Constitution of Board of Governors.

5. (1) With effect from such date as the Central Government may, by notification in the Official Gazette, appoint, there shall be constituted by the Central Government for the purposes of this Act, a Board to be known as the Board of Governors consisting of the following members, namely:—

(a) the President to be appointed by the Central Government in such manner as may be provided by the Statutes:

Provided that the first President shall be appointed by the Central Government on such terms and conditions as it deems fit, for a period not exceeding six months from the date the first Statutes comes into force;

(b) the Director of the Institute, *ex officio*;

(c) two persons from the Board of Directors of the promoting companies to be nominated by the Central Government.

Explanation.—For the purposes of this clause, promoting companies mean those companies contributing to the endowment fund referred to in section 25;

(d) one Professor of the Indian Institute of Science, Bangalore to be nominated by the Director of that Institute;

(e) five eminent experts in the field of petroleum technology, renewable and non-renewable energy covering the entire hydrocarbon value chain having specialised knowledge or operational experience in respect of education, research, engineering

and technology to be nominated by the General Council, in consultation with the Director of the Institute;

(f) two Professors of the Institute to be nominated by the Senate of the Institute; and

(g) one representative of the graduates of the Institute to be nominated by the Executive Committee of the Alumni Association.

(2) The Registrar of the Institute shall act as the Secretary of the Board.

(3) The Board shall ordinarily meet four times during a calendar year.

6. (1) Save as otherwise provided in this section, the term of office of the President or any other member of the Board, other than *ex officio* members, shall be three years from the date of his appointment or nomination thereto.

Term of office of, vacancies among, and allowances payable to, members of Board.

(2) An *ex officio* member shall cease to be a member of the Board as soon as he vacates the office by virtue of which he is a member of the Board.

(3) The term of a member nominated to fill a casual vacancy shall continue for the remainder of the term of the member in whose place he has been nominated.

(4) Notwithstanding anything contained in this section, an outgoing member shall, unless the Central Government otherwise directs, continue in office until another person is nominated as a member in his place.

(5) The members of the Board shall be entitled to such allowances, if any, from the Institute, as may be provided for in the Statutes, but no member other than the member referred to in clause (f) of section 5 shall be entitled to any salary.

7. On and from the appointed day and subject to the other provisions of this Act, all properties which had vested in the Society immediately before that day, shall, on and from that day, vest in the Institute.

Vesting of properties.

8. On and from the appointed day,—

(a) any reference to the Society in any contract or other instrument shall be deemed as a reference to the Institute;

(b) all the rights and liabilities of the Society shall be transferred to, and be the rights and liabilities of, the Institute.

Effect of incorporation of Institute.

9. The Institute shall perform the following functions, namely:—

(i) nurture and promote quality and excellence in education and research in the area of petroleum and hydrocarbons and energy;

(ii) provide for programmes and courses of instruction and research leading to the award of the Bachelors, Masters and Doctoral degrees in engineering and technology, management, sciences and arts in the area of petroleum and hydrocarbons and energy;

(iii) grant, subject to such conditions as the Institute may determine, degrees, diplomas, certificates or other academic distinctions or titles at various academic levels to candidates who have attained the prescribed standard of proficiency as judged on the basis of examination or on any other basis of testing and evaluation and to withdraw any such degrees, diplomas, certificates or other academic distinctions or titles for good and sufficient reasons;

(iv) confer honorary degrees or other distinctions and to institute and award fellowships, scholarships, exhibitions, prizes and medals;

(v) lay down standards of admission to the Institute through an examination or any other method of testing and evaluation;

Functions of Institute.

(vi) manage the content, quality, design and continuous evaluation of its academic and research programmes in a manner that earns accreditation of an international stature;

(vii) promote research and development for the benefit of oil, gas and petrochemical industry and the energy sector through the integration of teaching and research;

(viii) foster close educational and research interaction through networking with national, regional and international players in the oil, gas and petrochemical industry and the energy sector;

(ix) co-operate with educational and research institutions in any part of the world having objects wholly or partly similar to those of the Institute by exchange of teachers and scholars, conduct of joint research, undertaking sponsored research and consultancy projects, etc;

(x) organise national and international symposia, seminars and conferences in the area of petroleum and hydrocarbons and energy;

(xi) establish, maintain and manage halls, residences and hostels for students and to lay down conditions for residing in the halls and hostels;

(xii) supervise, control and regulate the discipline of all categories of employees of the Institute and to make arrangements for promoting their health and general welfare;

(xiii) supervise and regulate the discipline of students and to make arrangements for promoting their health, general welfare and cultural and corporate life;

(xiv) frame Statutes and to alter, modify or rescind the same;

(xv) deal with any property belonging to or vested in the Institute in such manner as the Institute may deem fit for advancing its objects;

(xvi) receive gifts, grants, donations or benefactions from the Central Government and the State Governments and to receive bequests, donations, grants and transfers of movable or immovable properties from testators, donors, transferors, alumni, industry or any other person;

(xvii) borrow money for the purposes of the Institute with or without security of the property of the Institute;

(xviii) integrate new technology in the classroom to encourage student-centric learning strategies and the development of an attitude for learning;

(xix) develop and maintain an information resource centre of print and non-print knowledge resources in the field of petroleum sector covering the entire hydrocarbon value chain as well as other related areas of energy, science and technology;

(xx) provide for further education to the working professionals and other employees of the Institute in the advanced areas of technology relating to oil, gas, complete hydrocarbon value chain and energy;

(xxi) offering customised programmes that serve the current and ongoing needs of working professionals for continuing education at the cutting-edge of petroleum and energy sector at the campus of the Institute or at company site;

(xxii) encouraging industry to sponsor their staff to join the Institute for higher degrees and work on problems that interest the sponsoring industry thus helping develop deeper interactions and a research environment in the industry;

(xxiii) fostering the creation of new basic knowledge and applied technology and its active transmission to companies for the benefit of the nation and for this

purpose establishing an Intellectual Property Rights cell to patent the new developments made at the Institute and to license them nationally and internationally;

(xxiv) being proactive in supporting the skill development programmes of the Government of India by training people in various related areas by way of certificate and diploma courses at the campus of the Institute or at other locations and involving industry in design and conduct of curricula;

(xxv) giving broad focus to the functioning of the Institute in the area of petroleum and petroleum related technologies under the wide umbrella of energy; and

(xxvi) doing all such things, not specifically covered above, as may be necessary, incidental or conducive to the attainment of all or any of the objects of the Institute.

10. (1) Subject to the provisions of this Act, the Board shall be responsible for the general superintendence, direction and control of the affairs of the Institute and shall exercise all the powers not otherwise provided for by this Act, the Statutes and the Ordinances, and shall have the power to review the acts of the Senate.

Powers of Board.

(2) Without prejudice to the provisions of sub-section (1), the Board shall—

(a) take decisions on questions of policy relating to the administration and working of the Institute;

(b) lay down policy regarding the duration of the courses, nomenclature of the degrees and other distinctions to be conferred by the Institute;

(c) institute courses of study and to lay down standards of proficiency and other academic distinctions in respect of the courses offered by the Institute;

(d) lay down policy regarding the cadre structure, qualification, the method of recruitment and conditions of service of the teaching and research faculty as well as other employees of the Institute;

(e) guide resource mobilisation of the Institute and to lay down policies for investment;

(f) consider and approve proposals for taking loans for purposes of the Institute with or without security of the property of the Institute;

(g) frame Statutes and to alter, modify or rescind the same;

(h) consider and pass resolutions on the annual report, the annual accounts and the budget estimates of the Institute for the next financial year as it thinks fit together with a statement of its development plans;

(i) create academic, administrative, technical and other posts and to make appointments thereto and to provide avenues for their growth and development;

(j) examine and approve the development plans of the Institute and the financial implications of such plans;

(k) examine and approve the annual operation and capital budget estimates of Institute for the next financial year and to sanction expenditure within the limits of the approved budget;

(l) receive gifts, grants, bequests, donations or benefactions and transfer of movable or immovable properties from the Central Government and the State Governments and from testators, donors, or transferors, as the case may be, and to have custody of the funds of the Institute;

(m) fix, demand and receive fees and other charges;

(n) to sue and defend all legal proceedings on behalf of the Institute; and

(o) do all such things as may be necessary, incidental or conducive to the attainment of all or any of the aforesaid powers.

(3) The Board shall have the power to appoint such committees as it considers necessary for the exercise of its powers and the performance of its duties under this Act.

(4) The Board shall have the power to establish campus and academic centres at any place within or outside India:

Provided that no campus or academic centre shall be established outside India without the prior approval of the Central Government.

(5) Notwithstanding anything contained in section 4, the Board shall not dispose of in any manner, any immovable property of the Institute without prior approval of the Central Government.

(6) The Board may, through a specific resolution to this effect, delegate any of its powers and duties to the President, Director, any officer or any authority of the Institute subject to reserving the right to review the action that may be taken under such delegated authority.

Institute to be open to all races, creeds and classes.

11. (1) The Institute shall be open to persons of either sex and of whatever race, creed, caste or class, and no test or condition shall be imposed as to religious belief or profession in admitting students, appointing teachers or employees or in any other connection whatsoever.

(2) No bequest, donation or transfer of any property shall be accepted by the Institute which in the opinion of the Board involves conditions or obligations opposed to the spirit and object of this section.

Teaching at the Institute.

12. All teaching and other academic activities at the Institute shall be conducted by or in the name of the Institute in accordance with the Statutes and the Ordinances made in this behalf.

Visitor.

13. (1) The President of India shall be the Visitor of the Institute.

(2) The Visitor may appoint one or more persons to review the work and progress of the Institute and to hold inquiries into the affairs thereof and to report thereon in such manner as the Visitor may direct.

(3) Upon receipt of any such report, the Visitor may take such action and issue such directions as he considers necessary in respect of any of the matters dealt with in the report and the Institute shall be bound to comply with such directions.

Authorities of Institute.

14. The following shall be the authorities of the Institute, namely:—

(a) the General Council;

(b) the Board of Governors;

(c) the Senate; and

(d) such other authorities as may be declared by the Statutes to be the authorities of the Institute.

Constitution of General Council.

15. (1) With effect from such date as the Central Government may, by notification in the Official Gazette, appoint, there shall be constituted, for the purposes of this Act, a body to be known as the General Council.

(2) The General Council shall consist of the following members, namely:—

(a) the Secretary, Ministry of Petroleum and Natural Gas in the Central Government, *ex officio*, who shall be the Chairperson;

(b) the Chairman, Indian Oil Corporation Limited, *ex officio*;

(c) the Chairman and Managing Director, Hindustan Petroleum Corporation Limited, *ex officio*;

(d) the Chairman and Managing Director, Oil and Natural Gas Corporation, *ex officio*;

(e) the Chairman and Managing Director, Gas Authority of India Limited, *ex officio*;

(f) the Director General of Hydrocarbons, *ex officio*;

(g) the Principal Advisor (Energy), NITI Aayog, *ex officio*;

(h) the Executive Director, Oil Industry Safety Directorate, *ex officio*;

(i) the Director, Indian Institute of Science, Bangalore, *ex officio*;

(j) the Director, Indian Institute of Chemical Technology, Hyderabad, *ex officio*;

(k) the Secretary, Oil Industry Development Board, *ex officio*;

(l) the President of the Board, *ex officio*;

(m) the Director of the Institute, *ex officio*; and

(n) persons, not less than two but not exceeding four, representing the private entities in the field of petroleum sector operating in the country, to be nominated by the Chairperson.

(3) The Registrar of the Institute shall be the *ex officio* Secretary of the General Council.

(4) The Chairperson shall have the power to invite any person who is not a member of the General Council to attend its meeting but such invitee shall not be entitled to vote.

16. Subject to the provisions of this Act, the General Council shall have the following powers and functions, namely:—

Powers and functions of General Council.

(a) review from time to time the broad policies and programmes of the Institute and to suggest measures for the improvement, development and expansion of the Institute thereof;

(b) consider the annual statement of accounts including a balance-sheet together with the audit report thereto and the observations of the Board of Governors thereon and to suggest improvements in fiscal management of the Institute;

(c) review and evaluate overall quality and effectiveness of the Institute and to advise measures for improvement of performance and for confidence-building between the Institute and its stakeholders;

(d) provide credibility, aura, connectivity and contacts for the Institute especially with regard to student placement and resource mobilisation;

(e) advise the Institute and its Board in respect of new cutting edge areas of technology in the domain of energy and hydrocarbon development including oil, gas, renewable and non-renewable energy, etc., that the Institute needs to pursue, as well as in respect of any other matter referred to it by the Board for advice; and

(f) advise the Institute and its Board in respect of the advanced areas of technology in the field of petroleum sector covering the entire hydrocarbon value chain as well as in respect of any other matter that may be referred to it for advice by the Board.

17. The Senate of the Institute shall be the principal academic body and its composition shall be such as may be provided by the Statutes.

Senate.

Functions of Senate.	18. Subject to the provisions of this Act, the Statutes and the Ordinances, the Senate shall have the control and general regulation, and be responsible for the maintenance of standards of instruction, education and examination in the Institute and shall exercise such other powers and perform such other duties as may be conferred or imposed upon it by the Statutes.
President of Board.	19. (1) The President shall ordinarily preside at the meetings of the Board and at the Convocations of the Institute. (2) It shall be the duty of the President to ensure that the decisions taken by the Board are implemented. (3) The President shall exercise such other powers and perform such other duties as may be assigned to him by this Act or the Statutes.
Director.	20. (1) The Director of the Institute shall be appointed by the Central Government in such manner and on such terms and conditions as may be provided by the Statutes: Provided that the first Director shall be appointed by the Central Government on such terms and conditions as it deems fit, for a period not exceeding one year from the date the first Statutes come into force. (2) The Director shall be the principal academic and executive officer of the Institute and shall be responsible for the proper administration and academic performance of the Institute and for imparting of instruction and maintenance of discipline therein. (3) The Director shall submit annual reports and accounts to the Board. (4) The Director shall exercise such other powers and perform such other duties as may be assigned to him by this Act, the Statutes or the Ordinances.
Registrar.	21. (1) The Registrar of the Institute shall be appointed in such manner and on such terms and conditions as may be provided by the Statutes and shall be the custodian of records, the common seal, the funds of the Institute and such other property of the Institute as the Board shall commit to his charge. (2) The Registrar shall act as the Secretary of the General Council, the Board, the Senate and such committees as may be provided by the Statutes. (3) The Registrar shall be responsible to the Director for the proper discharge of his functions. (4) The Registrar shall exercise such other powers and perform such other duties as may be assigned to him by this Act, the Statutes or by the Director.
Powers and duties of other authorities and officers.	22. The powers and duties of authorities and officers, other than those hereinbefore mentioned, shall be determined by the Statutes.
Grants by Central Government.	23. For the purpose of enabling the Institute to discharge its functions efficiently under this Act, the Central Government may, after due appropriation made by Parliament by law in this behalf, pay to the Institute such sums of money and in such manner as it may think fit.
Fund of Institute.	24. (1) The Institute shall maintain a fund to which shall be credited— (a) all moneys provided by the Central Government; (b) all fees and other charges; (c) all moneys received by the Institute by way of grants, gifts, donations, benefactions, bequests or transfers; and

(d) all moneys received by the Institute in any other manner or from any other source.

(2) All moneys credited to the fund shall be deposited in such banks or invested in such manner as may be decided by the Board.

(3) The fund shall be applied towards meeting the expenses of the Institute including expenses incurred in the exercise of its powers and discharge of its duties under this Act.

25. Notwithstanding anything contained in section 24, the Institute may,—

Setting-up of endowment fund.

(a) set-up an endowment fund and any other fund for a specified purpose; and

(b) transfer money from its fund to the endowment fund or any other fund.

26. The Institute shall prepare, in such form and at such time every year, a budget in respect of the financial year next ensuing, showing the estimated receipts and expenditure of the Institute and shall forward to the Central Government such number of copies thereof as may be provided by the Statutes.

Budget of Institute.

27. (1) The Institute shall maintain proper accounts and other relevant records and prepare an annual statement of accounts, including the balance-sheet, in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India.

Accounts and audit.

(2) The accounts of the Institute shall be audited by the Comptroller and Auditor-General of India and any expenditure incurred by him in connection with such audit shall be payable by the Institute to the Comptroller and Auditor-General of India.

(3) The Comptroller and Auditor-General of India and any person appointed by him in connection with the audit of the accounts of the Institute shall have the same rights, privileges and authority in connection with such audit as the Comptroller and Auditor-General of India has in connection with the audit of the Government accounts, and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect the offices of the Institute.

(4) The accounts of the Institute as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf together with the audit report thereon shall be forwarded annually to the Central Government and that Government shall cause the same to be laid before each House of Parliament.

28. The Institute shall prepare for every year a report of its activities during that year and submit the report to the Central Government in such form and on or before such date as may be provided by the Statutes and a copy of this report shall be laid before both Houses of Parliament within one month of its receipt.

Annual report.

29. (1) The Institute shall constitute for the benefit of its employees, including the Director, such pension, insurance and provident fund scheme as it deems fit, in such manner and subject to such conditions as may be provided by the Statutes.

Pension, provident fund, etc.

(2) Where any such provident fund has been so constituted, the Central Government may declare that the provisions of the Provident Funds Act, 1925 shall apply to such fund as if it were a Government provident fund.

19 of 1925.

30. All orders and decisions of the Institute shall be authenticated by the Director or any other member authorised by the Institute in this behalf and all other instruments shall be authenticated by the signature of the Director or such officers as may be authorised by the Institute.

Authentication of orders and instruments of Institute.

31. All appointments of the staff of the Institute, except that of the Director shall be made in accordance with the procedure laid down in the Statutes,—

Appointments.

(a) by the Board, if the appointment is made on the academic staff in the post of Assistant Professor or above or if the appointment is made on the non-academic staff

in any cadre, the maximum of the pay scale for which is the same or higher than that of Assistant Professor; and

(b) by the Director, in any other case.

Statutes.

32. Subject to the provisions of this Act, the Statutes may provide for all or any of the following matters, namely:—

(a) the formation of departments of teaching and other academic units;

(b) the institution of fellowships, scholarships, exhibitions, medals and prizes;

(c) the classification of posts, term of office, method of appointment, powers and duties and other terms and conditions of service of the officers of the Institute including the President, the Director, the Registrar, and such other officers as may be declared as officers of the Institute by the Statutes;

(d) the classification, the method of appointment and the determination of the terms and conditions of service of officers, teachers and other staff of the Institute;

(e) the reservation of posts for the Scheduled Castes, the Scheduled Tribes and other categories of persons as may be determined by the Central Government;

(f) the form in which and the time at which the budget and reports shall be prepared by the Institute;

(g) the form of annual report;

(h) the constitution of pension, insurance and provident funds for the benefit of the officers, teachers and other staff of the Institute;

(i) the constitution, powers and duties of the other authorities of the Institute referred to in clause (d) of section 14;

(j) the delegation of powers;

(k) the code of conduct, disciplinary actions thereto for misconduct including removal from service of employees on account of misconduct and the procedure for appeal against the actions of an officer or authority of the Institute;

(l) the conferment of honorary degrees;

(m) the establishment and maintenance of halls, residences and hostels;

(n) the authentication of the orders and decisions of the Board; and

(o) any other matter which by this Act is to be, or may be, provided by the Statutes.

Statutes how made.

33. (1) The first Statutes of the Institute shall be framed by the Central Government and a copy of the same shall be laid, as soon as may be after it is made, before each House of Parliament.

(2) The Board may, from time to time, make new or additional Statutes or may amend or repeal the Statutes in the manner hereafter in this section provided.

(3) A new Statute or addition to the Statutes or any amendment or repeal of a Statute shall require the previous approval of the General Council who may assent thereto or withhold assent or remit it to the Board for consideration.

(4) A new Statute or a Statute amending or repealing an existing Statute shall have no validity unless it has been assented to by the General Council.

Ordinances.

34. Subject to the provisions of this Act and the Statutes, the Ordinances may provide for all or any of the following matters, namely:—

(a) the admission of the students to the Institute;

(b) the reservation for the Scheduled Castes, the Scheduled Tribes and other categories of persons;

(c) the courses of study to be laid down for all degrees, diplomas and certificates of the Institute;

(d) the conditions under which students shall be admitted to the degree, diploma and certificate courses and to the examinations of the Institute and the eligibility conditions for awarding the same;

(e) the conditions of award of the fellowships, scholarships, exhibitions, medals and prizes;

(f) the conditions and manner of appointment and duties of examining bodies, examiners and moderators;

(g) the conduct of examinations;

(h) the maintenance of discipline among the students of the Institute;

(i) the fees to be charged for courses of study at the Institute and for admission to the examinations;

(j) the conditions of residence of students of the Institute and the levying of the fees for residence in the halls and hostels and of other charges; and

(k) any other matter which by this Act or the Statutes is to be, or may be, provided for by the Ordinances.

35. (1) The First Ordinance of the Institute shall be framed by the Central Government.

Ordinances
how made.

(2) Save as otherwise provided in this section, Ordinances shall be made by the Senate.

(3) All Ordinances made by the Senate shall have effect from such date as it may direct, but every Ordinance so made shall be submitted, as soon as may be, to the Board and shall be considered by the Board at its next succeeding meeting.

(4) The Board shall have power by resolution to modify or cancel any such Ordinance and such Ordinance shall from the date of such resolution stand modified accordingly or cancelled, as the case may be.

36. The authorities of the Institute may have their own rules of procedure, consistent with the provisions of this Act, the Statutes and the Ordinances for the conduct of their own business and that of the committees, if any, appointed by them and not provided for by this Act, the Statutes or the Ordinances.

Conduct of
business by
authorities of
Institute.

37. (1) Any dispute arising out of a contract between the Institute and any of its employees shall, at the request of the employee concerned or at the instance of the Institute, be referred to a Tribunal of Arbitration consisting of one member appointed by the Institute, one member nominated by the employee, and an umpire appointed by the Visitor.

Tribunal of
Arbitration.

(2) The decision of the Tribunal of Arbitration shall be final.

(3) No suit or proceeding shall lie in any court in respect of any matter which is required by sub-section (1) to be referred to the Tribunal of Arbitration.

(4) The Tribunal of Arbitration shall have power to regulate its own procedure.

(5) Nothing in any law for the time being in force relating to arbitration shall apply to arbitrations under this section.

Acts and proceedings not to be invalidated by vacancies.

38. No act of the Institute or the General Council or Board or Senate or any other body set-up under this Act or the Statutes, shall be invalid merely by reasons of—

(a) any vacancy in, or defect in the constitution thereof, or

(b) any defect in the election, nomination or appointment of a person acting as a member thereof, or

(c) any irregularity in its procedure not affecting the merits of the case.

Grant of degrees, etc., by Institute.

39. Notwithstanding anything in the University Grants Commission Act, 1956 or in any other law for the time being in force, the Institute shall have power to grant degrees and other academic distinctions and titles under this Act.

3 of 1956.

Sponsored schemes.

40. Notwithstanding anything in this Act, whenever the Institute receives funds from any Government, the University Grants Commission or any other agency including industry sponsoring a research scheme, a consultancy assignment, a teaching programme or a chaired professorship or a scholarship, to be executed or endowed at the Institute,—

(a) the amount received shall be kept by the Institute separately from the fund of the Institute and utilised only for the purpose of the scheme; and

(b) the staff required to execute the same shall be recruited in accordance with the terms and conditions stipulated by the sponsoring organisation:

Provided that any money remaining unutilised under clause (a) shall be transferred to the endowment fund created under section 25.

Control by Central Government.

41. The Institute shall carry out such directions as may be issued to it from time to time by the Central Government for the efficient administration of this Act.

Resolution of differences.

42. If in, or in connection with, the exercise of its powers and discharge of its functions by the Institute under this Act, any dispute or difference arises between the Institute and the Central Government, the decision of the Central Government thereon shall be final.

Power to remove difficulties.

43. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions or give such directions not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after the expiry of two years from the appointed day.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

Transitional provisions.

44. Notwithstanding anything contained in this Act,—

(a) the Board of Governors of the Society functioning as such immediately before the commencement of this Act shall continue to so function until a new Board is constituted for the Institute under this Act, but on the constitution of a new Board under this Act, the members of the Board holding office before such constitution shall cease to hold office; and

(b) until the first Statutes and the Ordinances are made under this Act, the Statutes and the Ordinances of the Indian Institute of Petroleum and Energy Society, as in force, immediately before the commencement of this Act, shall continue to apply to the Institute insofar as they are not inconsistent with the provisions of this Act.

45. (1) Every Statute and every Ordinance made or notification issued under this Act shall be published in the Official Gazette.

(2) Every Statute and every Ordinance made or notification issued under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the Statute, Ordinance or notification or both Houses agree that the Statute, Ordinance or notification should not be made or issued, the Statute, Ordinance or notification shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that Statute, Ordinance or notification.

(3) The power to make the Statutes, Ordinances or notifications shall include the power to give retrospective effect from a date not earlier than the date of commencement of this Act, to the Statutes, Ordinances, notifications or any of them but no retrospective effect shall be given to any Statute, Ordinance or notification so as to prejudicially affect the interests of any person to whom such Statute, Ordinance or notification may be applicable.

Statutes,
Ordinances
and
notifications
to be
published in
the Official
Gazette and
to be laid
before
Parliament.

DR. G. NARAYANA RAJU,
Secretary to the Govt. of India.

MANOJ
KUMAR

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P.R. 45
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ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,

ಆರ್. ಶ್ರೀನಿವಾಸ,

ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ

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ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳ ಇಲಾಖೆ.

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳ ಸಚಿವಾಲಯ

ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಾಳ 17 ಕೇಶಾಪ್ರ 2018, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 21-08-2018.

ದಿನಾಂಕ: 08-01-2018 ರಂದು ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ Part-II Section-I ರಲ್ಲಿ ಪ್ರಕಟವಾದ The Repealing and Amending Act, 2017 (No. 2 of 2018) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, the 8th January, 2018/Pausha 18, 1939 (Saka)

The following Act of Parliament received the assent of the President on the 5th January, 2018, and is hereby published for general information:—

THE REPEALING AND AMENDING ACT, 2017

No. 2 OF 2018

[5th January, 2018.]

An Act to repeal certain enactments and to amend certain other enactments.

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

- | | |
|--|----------------------------------|
| 1. This Act may be called the Repealing and Amending Act, 2017. | Short title. |
| 2. The enactments specified in the First Schedule are hereby repealed to the extent mentioned in the fourth column thereof. | Repeal of certain enactments. |
| 3. The enactments specified in the Second Schedule are hereby amended to the extent and in the manner mentioned in the fourth column thereof. | Amendment of certain enactments. |
| 4. The repeal by this Act of any enactment shall not affect any other enactment in which the repealed enactment has been applied, incorporated or referred to; | Savings. |
- and this Act shall not affect the validity, invalidity, effect or consequences of anything already done or suffered, or any right, title, obligation or liability already acquired, accrued or incurred, or any remedy or proceeding in respect thereof, or any release or discharge of or from any debt, penalty, obligation, liability, claim or demand, or any indemnity already granted, or the proof of any past act or thing;
- nor shall this Act affect any principle or rule of law, or established jurisdiction, form or course of pleading, practice or procedure, or existing usage, custom, privilege, restriction, exemption, office or appointment, notwithstanding that the same respectively may have been in any manner affirmed or recognised or derived by, in or from any enactment hereby repealed;
- nor shall the repeal by this Act of any enactment revive or restore any jurisdiction, office, custom, liability, right, title, privilege, restriction, exemption, usage, practice, procedure or other matter or thing not now existing or in force.

THE FIRST SCHEDULE

(See section 2)

REPEALS

Year	No.	Short title	Extent of repeal
1	2	3	4
1850	XXXVII	The Public Servants (Inquiries) Act, 1850	The whole.
1852	VIII	The Sheriffs' Fees Act, 1852	The whole.
1866	XXI	The Converts' Marriage Dissolution Act, 1866	The whole.
1867	I	The Ganges Tolls Act, 1867	The whole.
1892	II	The Marriages' Validation Act, 1892	The whole.
1897	I	The Public Servants (Inquiries) Amendment Act, 1897	The whole.
1897	V	The Repealing and Amending Act, 1897	The whole.
1897	XIV	The Indian Short Titles Act, 1897	The whole.
1899	XXIII	The Church of Scotland Kirk Sessions Act, 1899	The whole.
1901	XI	The Amending Act, 1901	The whole.
1903	I	The Amending Act, 1903	The whole.
1928	XII	The Hindu Inheritance (Removal of Disabilities) Act, 1928	The whole.
1929	XXI	The Transfer of Property (Amendment) Supplementary Act, 1929	So much as is not repealed.
1934	XXVII	The Assam Criminal Law Amendment (Supplementary) Act, 1934	The whole.
1935	XIII	The Jubbulpore and Chhattisgarh Divisions (Divorce Proceedings Validation) Act, 1935	The whole.
1936	V	The Decrees and Orders Validating Act, 1936	The whole.
1936	XVI	The Bangalore Marriages Validating Act, 1936	The whole.
1938	XI	The Hindu Women's Right to Property (Amendment) Act, 1938	The whole.
1939	XXIX	The Indian Tariff (Fourth Amendment) Act, 1939	The whole.
1946	XXII	The Mica Mines Labour Welfare Fund Act, 1946	The whole.
1948	XL	The Indian Matrimonial Causes (War Marriages) Act, 1948	The whole.
1948	LI	The Imperial Library (Change of Name) Act, 1948	The whole.
1950	XXXIII	The Opium and Revenue Laws (Extension of Application) Act, 1950	The whole.
1951	I	The Code of Criminal Procedure (Amendment) Act, 1951	So much as is not repealed.
1951	II	The Code of Civil Procedure (Amendment) Act, 1951	So much as is not repealed.
1953	11	The Administration of Evacuee Property (Amendment) Act, 1953	The whole.
1954	3	The Ancient and Historical Monuments and Archaeological Sites and Remains (Declaration of National Importance) Amendment Act, 1953	The whole.
1954	42	The Administration of Evacuee Property (Amendment) Act, 1954	The whole.
1955	26	The Code of Criminal Procedure (Amendment) Act, 1955	So much as is not repealed.
1956	7	The Sales-Tax Laws Validation Act, 1956	The whole.
1956	27	The Representation of the People (Second Amendment) Act, 1956	The whole.
1956	66	The Code of Civil Procedure (Amendment) Act, 1956	So much as is not repealed.
1956	70	The Ancient and Historical Monuments and Archaeological Sites and Remains (Declaration of National Importance) Amendment Act, 1956	The whole.

1	2	3	4
1956	91	The Administration of Evacuee Property (Amendment) Act, 1956	The whole.
1956	93	The Young Persons (Harmful Publications) Act, 1956	The whole.
1956	100	The Motor Vehicles (Amendment) Act, 1956	The whole.
1959	37	The Central Excises and Salt (Amendment) Act, 1959	So much as is not repealed.
1959	41	The Criminal Law (Amendment) Act, 1959	So much as is not repealed.
1959	48	The Miscellaneous Personal Laws (Extension) Act, 1959	The whole.
1959	59	The Mineral Oils (Additional Duties of Excise and Customs) Amendment Act, 1959	So much as is not repealed.
1959	61	The Married Women's Property (Extension) Act, 1959	The whole.
1960	2	The Displaced Persons (Compensation and Rehabilitation) Amendment Act, 1960	So much as is not repealed.
1960	5	The Motor Vehicles (Amendment) Act, 1960	So much as is not repealed.
1960	19	The Hindu Marriages (Validation of Proceedings) Act, 1960	The whole.
1960	38	The Central Excises (Conversion to Metric Units) Act, 1960	So much as is not repealed.
1960	40	The Customs Duties and Cesses (Conversion to Metric Units) Act, 1960	So much as is not repealed.
1960	57	The British Statutes (Application to India) Repeal Act, 1960	The whole.
1966	47	The Representation of the People (Amendment) Act, 1966	So much as is not repealed.
1969	46	The Punjab Legislative Council (Abolition) Act, 1969	The whole.
1971	20	The Bengal Finance (Sales Tax) (Delhi Validation of Appointments and Proceedings) Act, 1971	The whole.
1971	54	The Coal Bearing Areas (Acquisition and Development) Amendment and Validation Act, 1971	The whole.
1972	62	The Limestone and Dolomite Mines Labour Welfare Fund Act, 1972	The whole.
1976	91	The Delhi Sales Tax (Amendment and Validation) Act, 1976	The whole.
1980	63	The Code of Criminal Procedure (Amendment) Act, 1980	So much as is not repealed.
1981	30	The Cine-workers Welfare Cess Act, 1981	The whole.
1983	20	The Delegated Legislation Provisions (Amendment) Act, 1983	The whole.
1984	19	The Government of Union Territories (Amendment) Act, 1984	So much as is not repealed.
1985	37	The Tea Companies (Acquisition and Transfer of Sick Tea Units) Act, 1985	The whole.
1985	81	The Banking Laws (Amendment) Act, 1985	So much as is not repealed.
1986	6	The Additional Duties of Excise (Textiles and Textile Articles) Amendment Act, 1985	The whole.
1986	7	The Additional Duties of Excise (Goods of Special Importance) Second Amendment Act, 1985	The whole.
1986	8	The Customs Tariff (Amendment) Act, 1985	The whole.
1986	19	The Administrative Tribunals (Amendment) Act, 1986	So much as is not repealed.
1986	46	The Taxation Laws (Amendment and Miscellaneous Provisions) Act, 1986	The whole.
1999	29	The Contingency Fund of India (Amendment) Act, 1999	The whole.

1	2	3	4
1999	31	The Securities Laws (Amendment) Act, 1999	The whole.
1999	32	The Securities Laws (Second Amendment) Act, 1999	The whole.
1999	45	The Vice-President's Pension (Amendment) Act, 1999	The whole.
2000	14	The President's Emoluments and Pension (Amendment) Act, 2000	The whole.
2000	49	The Protection of Human Rights (Amendment) Act, 2000	The whole.
2001	12	The Colonial Prisoners Removal (Repeal) Act, 2001	The whole.
2001	19	The Industrial Disputes (Banking Companies) Decision (Repeal) Act, 2001	The whole.
2001	22	The Judicial Administration Laws (Repeal) Act, 2001	The whole.
2001	24	The Indian Railway Companies (Repeal) Act, 2001	The whole.
2001	25	The Railway Companies (Substitution of Parties in Civil Proceedings) Repeal Act, 2001	The whole.
2001	26	The Hyderabad Export Duties (Validation) Repeal Act, 2001	The whole.
2001	50	The Code of Criminal Procedure (Amendment) Act, 2001	The whole.
2002	21	The St. John Ambulance Association (India) Transfer of Funds (Repeal) Act, 2002	The whole.
2002	22	The Code of Civil Procedure (Amendment) Act, 2002	The whole.
2002	23	The Vice-President's Pension (Amendment) Act, 2002	The whole.
2002	28	The National Institute of Pharmaceutical Education and Research (Amendment) Act, 2002	The whole.
2002	59	The Securities and Exchange Board of India (Amendment) Act, 2002	The whole.
2002	68	The North-Eastern Council (Amendment) Act, 2002	The whole.
2003	25	The Customs Tariff (Amendment) Act, 2003	The whole.
2003	31	The Prevention of Insults to National Honour (Amendment) Act, 2003	The whole.
2004	7	The Uttar Pradesh Reorganisation (Amendment) Act, 2003	The whole.
2004	28	The Special Tribunals (Supplementary Provisions) Repeal Act, 2004	The whole.
2004	29	The Unlawful Activities (Prevention) Amendment Act, 2004	The whole.
2005	1	The Securities Laws (Amendment) Act, 2004	The whole.
2005	5	The Central Excise Tariff (Amendment) Act, 2004	The whole.
2005	31	The Hire-purchase (Repeal) Act, 2005	The whole.
2005	51	The Prevention of Insults to National Honour (Amendment) Act, 2005	The whole.
2006	10	The Khadi and Village Industries Commission (Amendment) Act, 2006	The whole.
2006	20	The Delhi Special Police Establishment (Amendment) Act, 2006	The whole.
2006	30	The Union Duties of Excise (Electricity) Distribution Repeal Act, 2006	The whole.
2006	43	The Protection of Human Rights (Amendment) Act, 2006	The whole.
2006	51	The Jallianwala Bagh National Memorial (Amendment) Act, 2006	The whole.
2007	1	The Administrative Tribunals (Amendment) Act, 2007	The whole.
2007	16	The Taxation Laws (Amendment) Act, 2007	Sections 9 to 11.
2007	19	The National Institute of Pharmaceutical Education and Research (Amendment) Act, 2007	The whole.
2007	27	The Securities Contracts (Regulation) Amendment Act, 2007	The whole.
2008	28	The President's Emoluments and Pension (Amendment) Act, 2008	The whole.
2008	29	The Vice-President's Pension (Amendment) Act, 2008	The whole.
2008	35	The Unlawful Activities (Prevention) Amendment Act, 2008	The whole.
2009	1	The Governors (Emoluments, Allowances and Privileges) Amendment Act, 2008	The whole.

THE SECOND SCHEDULE

(See section 3)

AMENDMENTS

Year	No.	Short title	Amendments
1	2	3	4
2007	29	The National Institutes of Technology, Science Education and Research Act, 2007	In clause (d) of section 3, the words "as the case may be" shall be omitted.
2009	27	The Prevention and Control of Infectious and Contagious Diseases in Animals Act, 2009	In sub-section (1) of section 1, for the word and figures "Bill, 2009", the word and figures "Act, 2009" shall be substituted.
2009	35	The Right of Children to Free and Compulsory Education Act, 2009	In section 1, for the marginal heading, the marginal heading "Short title, extent, application and commencement" shall be substituted.

DR. G. NARAYANA RAJU,
Secretary to the Govt. of India.

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ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,

ಆರ್. ಶ್ರೀನಿವಾಸ,

ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ

ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ,

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳ ಇಲಾಖೆ.

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳ ಸಚಿವಾಲಯ
ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಾಖ್ಯೆ 12 ಕೇಶಾಪ್ರ 2018, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 21-08-2018.

ದಿನಾಂಕ: 01-08-2018 ರಂದು ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ Part-II Section-I ರಲ್ಲಿ ಪ್ರಕಟವಾದ The Fugitive Economic Offenders Act, 2018 (No. 17 of 2018) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, the 1st August, 2018/Shravana 10, 1940 (Saka)

The following Act of Parliament received the assent of the President on the 31st July, 2018, and is hereby published for general information:—

THE FUGITIVE ECONOMIC OFFENDERS ACT, 2018

No. 17 OF 2018

[31st July, 2018.]

An Act to provide for measures to deter fugitive economic offenders from evading the process of law in India by staying outside the jurisdiction of Indian courts, to preserve the sanctity of the rule of law in India and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Fugitive Economic Offenders Act, 2018.
- (2) It extends to the whole of India.
- (3) It shall be deemed to have come into force on the 21st day of April, 2018.

Short title,
extent and
commencement.

Definitions.

2. (1) In this Act, unless the context otherwise requires,—

(a) “Administrator” means an Administrator appointed under sub-section (1) of section 15;

(b) “benami property” and “benami transaction” shall have the same meanings as assigned to them under clauses (8) and (9) respectively of section 2 of the Prohibition of Benami Property Transactions Act, 1988;

45 of 1988.

(c) “contracting State” means any country or place outside India in respect of which arrangements have been made by the Central Government with the Government of such country through a treaty or otherwise;

(d) “Deputy Director” means the Deputy Director appointed under sub-section (1) of section 49 of the Prevention of Money-laundering Act, 2002;

15 of 2003.

(e) “Director” means the Director appointed under sub-section (1) of section 49 of the Prevention of Money-laundering Act, 2002;

15 of 2003.

(f) “fugitive economic offender” means any individual against whom a warrant for arrest in relation to a Scheduled Offence has been issued by any Court in India, who—

(i) has left India so as to avoid criminal prosecution; or

(ii) being abroad, refuses to return to India to face criminal prosecution;

(g) “key managerial personnel” shall have the same meaning as assigned to it in clause (51) of section 2 of the Companies Act, 2013;

18 of 2013.

(h) “notification” means a notification published in the Official Gazette and the expression “notify” shall be construed accordingly;

(i) “person” includes—

(i) an individual;

(ii) a Hindu Undivided Family;

(iii) a company;

(iv) a trust;

(v) a partnership;

(vi) a limited liability partnership;

(vii) an association of persons or a body of individuals, whether incorporated or not;

(viii) every artificial juridical person not falling within any of the preceding sub-clauses; and

(ix) any agency, office or branch owned or controlled by any of the above persons mentioned in the preceding sub-clauses;

(j) “prescribed” means prescribed by rules made under this Act;

(k) “proceeds of crime” means any property derived or obtained, directly or indirectly, by any person as a result of criminal activity relating to a Scheduled Offence, or the value of any such property, or where such property is taken or held outside the country, then the property equivalent in value held within the country or abroad;

(l) “Schedule” means the Schedule appended to this Act;

(m) “Scheduled Offence” means an offence specified in the Schedule, if the total value involved in such offence or offences is one hundred crore rupees or more;

(n) “Special Court” means a Court of Session designated as a Special Court under sub-section (1) of section 43 of the Prevention of Money-laundering Act, 2002.

15 of 2003.

15 of 2003.

(2) The words and expressions used and not defined in this Act but defined in the Prevention of Money-laundering Act, 2002 shall have the meanings respectively assigned to them in that Act.

3. The provisions of this Act shall apply to any individual who is, or becomes, a fugitive economic offender on or after the date of coming into force of this Act.

Application of Act.

CHAPTER II

DECLARATION OF FUGITIVE ECONOMIC OFFENDERS AND CONFISCATION OF PROPERTY

4. (1) Where the Director or any other officer not below the rank of Deputy Director authorised by the Director for the purposes of this section, has reason to believe (the reasons for such belief to be recorded in writing), on the basis of material in his possession, that any individual is a fugitive economic offender, he may file an application in such form and manner as may be prescribed in the Special Court that such individual may be declared as a fugitive economic offender.

Application for declaration of fugitive economic offender and procedure therefor.

(2) The application referred to in sub-section (1) shall contain—

(a) reasons for the belief that an individual is a fugitive economic offender;

(b) any information available as to the whereabouts of the fugitive economic offender;

(c) a list of properties or the value of such properties believed to be the proceeds of crime, including any such property outside India for which confiscation is sought;

(d) a list of properties or benami properties owned by the individual in India or abroad for which confiscation is sought; and

(e) a list of persons who may have an interest in any of the properties listed under clauses (c) and (d).

15 of 2003.

(3) The Authorities appointed for the purposes of the Prevention of Money-laundering Act, 2002 shall be the Authorities for the purposes of this Act.

5. (1) The Director or any other officer authorised by the Director, not below the rank of Deputy Director, may, with the permission of the Special Court, attach any property mentioned in the application under section 4 by an order in writing in such manner as may be prescribed.

Attachment of property.

(2) Notwithstanding anything contained in sub-section (1) or section 4, the Director or any other officer, not below the rank of Deputy Director, authorised by the Director, may, by an order in writing, at any time prior to the filing of the application under section 4, attach any property—

(a) for which there is a reason to believe that the property is proceeds of crime, or is a property or benami property owned by an individual who is a fugitive economic offender; and

(b) which is being or is likely to be dealt with in a manner which may result in the property being unavailable for confiscation:

Provided that the Director or any other officer who provisionally attaches any property under this sub-section shall, within a period of thirty days from the date of such attachment, file an application under section 4 before the Special Court.

(3) The attachment of any property under this section shall continue for a period of one hundred and eighty days from the date of order of attachment or such other period as may be extended by the Special Court before the expiry of such period.

(4) Nothing in this section shall prevent the person interested in the enjoyment of the immovable property attached under sub-section (1) from such enjoyment.

Explanation.—For the purposes of this sub-section, the expression “person interested”, in relation to any immovable property includes all persons claiming or entitled to claim any interest in the property.

Powers of
Director and
other officers.

6. The Director or any other officer shall, for the purposes of section 4, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 while trying a suit in respect of the following matters, namely:—

5 of 1908.

- (a) discovery and inspection;
- (b) enforcing the attendance of any person, including any officer of a reporting entity and examining him on oath;
- (c) compelling the production of records;
- (d) receiving evidence on affidavits;
- (e) issuing commissions for examination of witnesses and documents; and
- (f) any other matter which may be prescribed.

Power of
survey.

7. (1) Notwithstanding anything contained in any other provisions of this Act, where a Director or any other officer authorised by the Director, on the basis of material in his possession, has reason to believe (the reasons for such belief to be recorded in writing), that an individual may be a fugitive economic offender, he may enter any place—

- (i) within the limits of the area assigned to him; or
- (ii) in respect of which he is authorised for the purposes of this section, by such other authority, who is assigned the area within which such place is situated.

(2) Where the Director or any other officer authorised by him, on the basis of material in his possession, has reason to believe (the reasons for such belief to be recorded in writing) that an individual may be a fugitive economic offender and it is necessary to enter any place as mentioned in sub-section (1), he may request any proprietor, employee or any other person who may be present at that time, to—

- (a) afford him the necessary facility to inspect such records as he may require and which may be available at such place;
- (b) afford him the necessary facility to check or verify the proceeds of crime or any transaction related to proceeds of crime which may be found therein; and
- (c) furnish such information as he may require as to any matter which may be useful for, or relevant to any proceedings under this Act.

(3) The Director, or any other officer acting under this section may—

- (i) place marks of identification on the records inspected by him and make or cause to be made extracts or copies therefrom;
- (ii) make an inventory of any property checked or verified by him; and
- (iii) record the statement of any person present at the property which may be useful for, or relevant to, any proceeding under this Act.

Search and
seizure.

8. (1) Notwithstanding anything contained in any other law for the time being in force, where the Director or any other officer not below the rank of Deputy Director authorised by him for the purposes of this section, on the basis of information in his possession, has reason to believe (the reason for such belief to be recorded in writing) that any person—

- (i) may be declared as a fugitive economic offender;
- (ii) is in possession of any proceeds of crime;
- (iii) is in possession of any records which may relate to proceeds of crime; or

(iv) is in possession of any property related to proceeds of crime, then, subject to any rules made in this behalf, he may authorise any officer subordinate to him to—

(a) enter and search any building, place, vessel, vehicle or aircraft where he has reason to suspect that such records or proceeds of crime are kept;

(b) break open the lock of any door, box, locker, safe, almirah or other receptacle for exercising the powers conferred by clause (a) where the keys thereof are not available;

(c) seize any record or property found as a result of such search;

(d) place marks of identification on such record or property, if required or make or cause to be made extracts or copies therefrom;

(e) make a note or an inventory of such record or property; and

(f) examine on oath any person, who is found to be in possession or control of any record or property, in respect of all matters relevant for the purposes of any investigation under this Act.

(2) Where an authority, upon information obtained during survey under section 7, is satisfied that any evidence shall be or is likely to be concealed or tampered with, he may, for reasons to be recorded in writing, enter and search the building or place where such evidence is located and seize that evidence.

9. Notwithstanding anything contained in any other law for the time being in force—

Search of persons.

(a) if an authority, authorised in this behalf by the Central Government by general or special order, has reason to believe (the reason for such belief to be recorded in writing) that any person has secreted about his person or anything under his possession, ownership or control, any record or proceeds of crime which may be useful for or relevant to any proceedings under this Act, he may search that person and seize such record or property which may be useful for or relevant to any proceedings under this Act;

(b) where an authority is about to search any person, he shall, if such person so requires, take such person within twenty-four hours to the nearest Gazetted Officer, superior in rank to him, or a Magistrate:

Provided that the period of twenty-four hours shall exclude the time necessary for the journey undertaken to take such person to the nearest Gazetted Officer, superior in rank to him, or the Magistrate's Court;

(c) if the requisition under clause (b) is made, the authority shall not detain the person for more than twenty-four hours prior to taking him before the Gazetted Officer, superior in rank to him, or the Magistrate referred to in that clause:

Provided that the period of twenty-four hours shall exclude the time necessary for the journey from the place of detention to the office of the Gazetted Officer, superior in rank to him, or the Magistrate's Court;

(d) the Gazetted Officer or the Magistrate before whom any such person is brought shall, if he sees no reasonable ground for search, forthwith discharge such person but otherwise shall direct that search be made;

(e) before making the search under clause (a) or clause (d), the authority shall call upon two or more persons to attend and witness the search and the search shall be made in the presence of such persons;

(f) the authority shall prepare a list of record or property seized in the course of the search and obtain the signatures of the witnesses on the list;

(g) no female shall be searched by anyone except a female; and

(h) the authority shall record the statement of the person searched under clause (a) or clause (d) in respect of the records or proceeds of crime found or seized in the course of the search.

Notice.

10. (1) Where an application under section 4 has been duly filed, the Special Court shall issue a notice to an individual who is alleged to be a fugitive economic offender.

(2) The notice referred to in sub-section (1), shall also be issued to any other person who has any interest in the property mentioned in the application under sub-section (2) of section 4.

(3) A notice under sub-section (1) shall—

(a) require the individual to appear at a specified place and time not less than six weeks from the date of issue of such notice; and

(b) state that failure to appear on the specified place and time shall result in a declaration of the individual as a fugitive economic offender and confiscation of property under this Act.

(4) A notice under sub-section (1) shall be forwarded to such authority, as the Central Government may notify, for effecting service in a contracting State.

(5) The authority referred to in sub-section (4) shall make efforts to serve the notice within a period of two weeks in such manner as may be prescribed.

(6) A notice under sub-section (1) may also be served to the individual alleged to be a fugitive economic offender by electronic means to—

(a) his electronic mail address submitted in connection with an application for allotment of Permanent Account Number under section 139A of the Income-tax Act, 1961;

43 of 1961.

(b) his electronic mail address submitted in connection with an application for enrolment under section 3 of the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016; or

18 of 2016.

(c) any other electronic account as may be prescribed, belonging to the individual which is accessed by him over the internet, subject to the satisfaction of the Special Court that such account has been recently accessed by the individual and constitutes a reasonable method for communication of the notice to the individual.

Procedure for hearing application.

11. (1) Where any individual to whom notice has been issued under sub-section (1) of section 10 appears in person at the place and time specified in the notice, the Special Court may terminate the proceedings under this Act.

(2) Where any individual to whom notice has been issued under sub-section (1) of section 10 fails to appear at the place and time specified in the notice, but enters appearance through counsel, the Special Court may in its discretion give a period of one week to file a reply to the application under section 4.

(3) Where any individual to whom notice has been issued under sub-section (1) of section 10 fails to enter appearance either in person or through counsel, and the Special Court is satisfied—

(a) that service of notice has been effected on such party; or

(b) that notice could not be served in spite of best efforts because such individual has evaded service of notice,

it may, after recording reasons in writing, proceed to hear the application.

(4) The Special Court may also give any person to whom notice has been issued under sub-section (2) of section 10 a period of one week to file a reply to the application under section 4.

12. (1) After hearing the application under section 4, if the Special Court is satisfied that an individual is a fugitive economic offender, it may, by an order, declare the individual as a fugitive economic offender for reasons to be recorded in writing.

Declaration of fugitive economic offender.

(2) On a declaration under sub-section (1), the Special Court may order that any of the following properties stand confiscated to the Central Government—

(a) the proceeds of crime in India or abroad, whether or not such property is owned by the fugitive economic offender; and

(b) any other property or benami property in India or abroad, owned by the fugitive economic offender.

(3) The confiscation order of the Special Court shall, to the extent possible, identify the properties in India or abroad that constitute proceeds of crime which are to be confiscated and in case such properties cannot be identified, quantify the value of the proceeds of crime.

(4) The confiscation order of the Special Court shall separately list any other property owned by the fugitive economic offender in India which is to be confiscated.

(5) Where the Special Court has made an order for confiscation of any property under sub-section (2), and such property is in a contracting State, the Special Court may issue a letter of request to a Court or authority in the contracting State for execution of such order.

(6) Every letter of request to be transmitted to a contracting State under sub-section (5) shall be transmitted in such form and manner as the Central Government may, by notification, specify in this behalf.

(7) The Special Court may, while making the confiscation order, exempt from confiscation any property which is a proceed of crime in which any other person, other than the fugitive economic offender, has an interest if it is satisfied that such interest was acquired *bona fide* and without knowledge of the fact that the property was proceeds of crime.

(8) All the rights and title in the confiscated property shall, from the date of the confiscation order, vest in the Central Government, free from all encumbrances.

(9) Where on the conclusion of the proceedings, the Special Court finds that the individual is not a fugitive economic offender, the Special Court shall order release of property or record attached or seized under this Act to the person entitled to receive it.

(10) Where an order releasing the property has been made by the Special Court under sub-section (9), the Director or any other officer authorised by him in this behalf may withhold the release of any such property or record for a period of ninety days from the date of receipt of such order, if he is of the opinion that such property is relevant for the appeal proceedings under this Act.

13. (1) Where at any time after the institution of the application under section 4, any other property is discovered or identified which constitutes proceeds of crime or is property or benami property owned by the individual in India or abroad who is a fugitive economic offender liable to be confiscated under this Act, the Director or any other officer not below the rank of Deputy Director authorised by the Director for the purposes of this section, may file a supplementary application in the Special Court seeking confiscation of such properties.

Supplementary application.

(2) The provisions of sections 4 to 12 shall, as far as may be, apply in relation to such application as they apply in relation to an application under section 4.

14. Notwithstanding anything contained in any other law for the time being in force,—

(a) on a declaration of an individual as a fugitive economic offender, any Court or tribunal in India, in any civil proceeding before it, may, disallow such individual from putting forward or defending any civil claim; and

Power to disallow civil claims.

(b) any Court or tribunal in India in any civil proceeding before it, may, disallow any company or limited liability partnership from putting forward or defending any civil claim, if an individual filing the claim on behalf of the company or the limited liability partnership, or any promoter or key managerial personnel or majority shareholder of the company or an individual having a controlling interest in the limited liability partnership has been declared as a fugitive economic offender.

Explanation.—For the purposes of this section, the expressions—

(a) “company” means any body corporate and includes a firm, or other association of persons; and

(b) “limited liability partnership” shall have the same meaning as assigned to it in clause (n) of sub-section (1) of section 2 of the Limited Liability Partnership Act, 2008.

6 of 2009.

Management of properties confiscated under this Act.

15. (1) The Central Government may, by order published in the Official Gazette, appoint as many of its officers (not below the rank of a Joint Secretary to the Government of India) as it thinks fit, to perform the functions of an Administrator.

(2) The Administrator appointed under sub-section (1) shall receive and manage the property in relation to which an order has been made under sub-section (2) of section 12 in such manner and subject to such conditions as may be prescribed.

(3) The Administrator shall also take such measures, as the Central Government may direct, to dispose of the property which is vested in the Central Government under section 12:

Provided that the Central Government or the Administrator shall not dispose of any property for a period of ninety days from the date of the order under sub-section (2) of section 12.

CHAPTER III

MISCELLANEOUS

Rules of evidence.

16. (1) The burden of proof for establishing—

(a) that an individual is a fugitive economic offender; or

(b) that a property is the proceeds of crime or any other property in which the individual alleged to be a fugitive economic offender has an interest,

shall be on the Director or the person authorised by the Director to file the application under section 4.

(2) Notwithstanding anything contained in any other law for the time being in force, where any person referred to in sub-section (2) of section 10 claims that any interest in any property was acquired *bona fide* and without knowledge of the fact that, such property constitutes proceeds of crime, the burden of proving such fact shall lie upon him.

(3) The standard of proof applicable to the determination of facts by the Special Court under this Act shall be preponderance of probabilities.

Appeal.

17. (1) An appeal shall lie from any judgment or order, not being an interlocutory order, of a Special Court to the High Court both on facts and on law.

(2) Every appeal under this section shall be preferred within a period of thirty days from the date of the judgment or order appealed from:

Provided that the High Court may entertain an appeal after the expiry of the said period of thirty days, if it is satisfied that the appellant had sufficient cause for not preferring the appeal within the period of thirty days:

Provided further that no appeal shall be entertained after the expiry of period of ninety days.

<p>18. No civil court shall have jurisdiction to entertain any suit or proceeding in respect of any matter which the Special Court is empowered by or under this Act to determine and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.</p>	<p>Bar of jurisdiction.</p>
<p>19. No suit, prosecution or other legal proceeding shall lie against the Central Government or Presiding Officer of the Special Court or Director or Deputy Director or any other officer authorised by the Director for anything which is in good faith done or intended to be done under this Act or any rule made thereunder.</p>	<p>Protection of action taken in good faith.</p>
<p>20. (1) The Central Government may, having regard to the objects of this Act, and if it considers necessary or expedient so to do, by notification add to, or as the case may be, omit from the Schedule any offences specified therein.</p> <p>(2) Every such notification shall, as soon as after it is issued, be laid before each House of Parliament.</p>	<p>Power of Central Government to amend Schedule.</p>
<p>21. The provisions of this Act shall have effect, notwithstanding anything inconsistent therewith contained in any other law for the time being in force.</p>	<p>Overriding effect.</p>
<p>22. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.</p>	<p>Application of other laws not barred.</p>
<p>23. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.</p>	<p>Power to make rules.</p>
<p>(2) In particular, and without prejudice to generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—</p> <p>(a) the form and manner of filing application under sub-section (1) of section 4;</p> <p>(b) the manner of attachment of property under sub-section (1) of section 5;</p> <p>(c) other matters under clause (f) of section 6;</p> <p>(d) the procedure for conducting search and seizure under section 8;</p> <p>(e) the manner in which the notice shall be served under sub-section (5) of section 10;</p> <p>(f) any other electronic account under clause (c) of sub-section (6) of section 10;</p> <p>(g) the manner and conditions subject to which the Administrator shall receive and manage the property confiscated under sub-section (2) of section 15; and</p> <p>(h) any other matter which is required to be, or may be, prescribed or in respect of which provision is to be made by rules.</p>	
<p>24. Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.</p>	<p>Laying of rules before Parliament.</p>
<p>25. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to be necessary for removing the difficulty:</p>	<p>Power to remove difficulties.</p>
<p>Provided that no order shall be made under this section after the expiry of five years from the date of commencement of this Act.</p>	
<p>(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.</p>	
<p>26. (1) The Fugitive Economic Offenders Ordinance, 2018, is hereby repealed.</p>	<p>Repeal and saving.</p>
<p>(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance, shall be deemed to have been done or taken under this Act.</p>	

THE SCHEDULE

[See section 2(l) and (m)]

Section	Description of offence
I. Offences under the Indian Penal Code, 1860 (45 of 1860)	
120B read with any offence in this Schedule	Punishment of criminal conspiracy.
255	Counterfeiting Government stamp.
257	Making or selling instrument for counterfeiting Government stamp.
258	Sale of counterfeit Government stamp.
259	Having possession of counterfeit Government stamp.
260	Using as genuine a Government stamp known to be counterfeit.
417	Punishment for cheating.
418	Cheating with knowledge that wrongful loss may ensue to person whose interest offender is bound to protect.
420	Cheating and dishonestly inducing delivery of property.
421	Dishonest or fraudulent removal or concealment of property to prevent distribution among creditors.
422	Dishonestly or fraudulently preventing debt being available for creditors.
423	Dishonest or fraudulent execution of deed of transfer containing false statement of consideration.
424	Dishonest or fraudulent removal or concealment of property.
467	Forgery of valuable security, will, etc.
471	Using as genuine a forged [document or electronic record].
472	Making or possessing counterfeit seal, etc., with intent to commit forgery punishable under section 467.
473	Making or possessing counterfeit seal, etc., intent to commit forgery punishable otherwise.
475	Counterfeiting device or mark used for authenticating documents described in section 467, or possessing counterfeit marked material.
476	Counterfeiting device or mark used for authenticating documents other than those described in section 467, or possessing counterfeit marked material.
481	Using a false property mark.
482	Punishment for using a false property mark.
483	Counterfeiting a property mark used by another.
484	Counterfeiting a mark used by a public servant.
485	Making or possession of any instrument for counterfeiting a property mark.
486	Selling goods marked with a counterfeit property mark.

Section	Description of offence
487	Making a false mark upon any receptacle containing goods.
488	Punishment for making use of any such false mark.
489A	Counterfeiting currency notes or bank notes.
489B	Using as genuine, forged or counterfeit currency notes or bank notes.
II. Offences under the Negotiable Instruments Act, 1881 (26 of 1881)	
138	Dishonour of cheque for insufficiency, etc., of funds in the account.
III. Offences under the Reserve Bank of India Act, 1934 (2 of 1934)	
58B	Penalties.
IV. Offences under the Central Excise Act, 1944 (1 of 1944)	
Section 9	Offences and Penalties.
V. Offences under the Customs Act, 1962 (52 of 1962)	
135	Evasion of duty or prohibitions.
VI. Offences under the Prohibition of Benami Property Transactions Act, 1988 (45 of 1988)	
3	Prohibition of benami transactions.
VII. Offences under the Prevention of Corruption Act, 1988 (49 of 1988)	
7	Public servant taking gratification other than legal remuneration in respect of an official act.
8	Taking gratification in order, by corrupt or illegal means, to influence public servant.
9	Taking gratification for exercise of personal influence with public servant.
10	Punishment for abetment by public servant of offences defined in section 8 or section 9 of the Prevention of Corruption Act, 1988.
13	Criminal misconduct by a public servant.
VIII. Offences under the Securities and Exchange Board of India Act, 1992 (15 of 1992)	
12A read with section 24	Prohibition of manipulative and deceptive devices, insider trading and substantial acquisition of securities or control.
24	Offences for contravention of the provisions of the Act.
IX. Offences under the Prevention of Money Laundering Act, 2002 (15 of 2003)	
3	Offence of money-laundering.
4	Punishment for money-laundering.
X. Offences under the Limited Liability Partnership Act, 2008 (6 of 2009)	
Sub-section (2) of section 30	Carrying on business with intent or purpose to defraud creditors of the Limited Liability Partnership or any other person or for any other fraudulent purpose.

Section	Description of offence
XI. Offences under the Foreign Contribution (Regulation) Act, 2010 (42 of 2010)	
34	Penalty for article or currency or security obtained in contravention of section 10.
35	Punishment for contravention of any provision of the Act.
XII. Offences under the Companies Act, 2013 (18 of 2013)	
Sub-section (4) of section 42 of the Companies Act, 2013 read with section 24 of the Securities and Exchange Board of India Act, 1992 (15 of 1992)	Offer or invitation for subscription of securities on private placement.
74	Repayment of deposits, etc., accepted before commencement of the Companies Act, 2013.
76A	Punishment for contravention of section 73 or section 76 of the Companies Act, 2013.
Second proviso to sub-section (4) of section 206	Carrying on business of a company for a fraudulent or unlawful purpose.
Clause (b) of section 213	Conducting the business of a company with intent to defraud its creditors, members or any other persons or otherwise for a fraudulent or unlawful purpose, or in a manner oppressive to any of its members or that the company was formed for any fraudulent or unlawful purpose.
447	Punishment for fraud.
452	Punishment for wrongful withholding of property.
XIII. Offences under the Black Money (Undisclosed Foreign Income and Assets) and Imposition of Tax Act, 2015 (22 of 2015)	
51	Punishment for wilful attempt to evade tax.
XIV. Offences under the Insolvency and Bankruptcy Code, 2016 (31 of 2016)	
69	Punishment for transactions defrauding creditors.

Section

Description of offence

XV. Offences under the Central Goods and Services Tax Act, 2017 (12 of 2017)

Sub-section (5) Punishment for certain offences.
of section 132

DR. G. NARAYANA RAJU,
Secretary to the Govt. of India.

CORRIGENDA

IN THE PREVENTION OF CORRUPTION (AMENDMENT) ACT, 2018 (16 of 2018)
as published in the Gazette of India, Extraordinary, Part II, Section 1, Issue No. 28, dated
the 16th July, 2018—

Page No.	Line(s) No.	For	Read
3	32	“later”	“latter”
5	3	“shall be not”	“shall not be”
5	23	“shall be not”	“shall not be”
5	39	“17A.(I)”	“17A.”
7	5	“presecrbe”	“prescribe”
7	26	“section 13(I) (A)”	“section 13(1) (a)”

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P.R. 47
SC - 20

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,

ಆರ್. ಶ್ರೀನಿವಾಸ,

ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ

ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ,

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳ ಇಲಾಖೆ.

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳ ಸಚಿವಾಲಯ

ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಾಖ್ಯಾನ ೨೦ ಕೇಶಾಪ್ರ ೨೦೧೮, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: ೨೧-೦೮-೨೦೧೮.

ದಿನಾಂಕ: ೦೮-೦೧-೨೦೧೮ ರಂದು ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ Part-II Section-1 ರಲ್ಲಿ ಪ್ರಕಟವಾದ The Indian Forest (Amendment) Act, 2017 (No. 5 of 2018) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, the 8th January, 2018/Pausha 18, 1939 (Saka)

The following Act of Parliament received the assent of the President on the 5th January, 2018, and is hereby published for general information:—

THE INDIAN FOREST (AMENDMENT) ACT, 2017

No. 5 OF 2018

[5th January, 2018.]

An Act further to amend the Indian Forest Act, 1927.

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Indian Forest (Amendment) Act, 2017.

Short title and
commencement.

(2) It shall be deemed to have come into force on the 23rd day of November, 2017.

2. In the Indian Forest Act, 1927, in section 2, in clause (7), the word “bamboos” shall be omitted.

Amendment of
section 2 of Act
16 of 1927.

Ord. 6 of 2017.

3. (1) The Indian Forest (Amendment) Ordinance, 2017 is hereby repealed.

Repeal and
savings.

16 of 1927.

(2) Notwithstanding such repeal, anything done or any action taken under the Indian Forest Act, 1927, as amended by the said Ordinance, shall be deemed to have been done or taken under the corresponding provisions of the said Act, as amended by this Act.

DR. G. NARAYANA RAJU,
Secretary to the Govt. of India.

CORRIGENDA

In the MENTAL HEALTHCARE ACT, 2017 (10 OF 2017) as published in the Gazette of India, Extraordinary, Part II, Section 1, Issue No. 10, dated the 7th April, 2017,—

Page No.	Line(s)	For	Read
2	20	"sub-section (I) of section 80"	"sub-section (I) of section 73"
4	6	"clause (x)"	"clause (y)"
6	16	"clause (a) of sub-section (I) of section 91"	"clause (a) of sub-section (I) of section 82"
6	25	"section 103"	"section 94"
10	15 and 16	"clause (e) of sub-section (4)"	"clause (e) of this sub-section"
20	10	"clause (q)"	"clause (r)"
30	31	"section 85"	"section 77"
43	4	"sub-section (5)"	"sub-section (6)"
47	29 and 30	"sub-clause (ii) of clause (f) of sub-section (I) of section 2"	"sub-clause (ii) of clause (g) of sub-section (I) of section 2"
47	31 and 32	"clause (w) of sub-section (I) of section 2"	"clause (x) of sub-section (I) of section 2"
48	14	"manner"	"the manner"
48	15	"a State"	a State under sub-section (3) of section 73"
48	16 and 17	"clause (e) of sub-section (2) of section 82"	"clause (e) of sub-section (2) of section 74"
49	16	"confirm under sub-section (6) of section 103"	"conform under sub-section (7) of section 103"
49	25	"manner"	"the manner"
49	39	"provisions"	"the provisions"
50	1	"manner"	"the manner"
50	3 to 5	-	Omitted.
50	6	"clause (n)"	"clause (m)"
50	8	"clause (o)"	"clause (n)"
51	5	"14 of 1897."	"14 of 1987."

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P.R. 48
SC - 20

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,

ಆರ್. ಶ್ರೀನಿವಾಸ,

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ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ,

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ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳ ಸಚಿವಾಲಯ
ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಾಖ್ಯೆ 15 ಕೇಶಾಪ್ರ 2018, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 21-08-2018.

ದಿನಾಂಕ: 19-01-2018 ರಂದು ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ Part-II Section-I ರಲ್ಲಿ ಪ್ರಕಟವಾದ The Insolvency and Bankruptcy Code (Amendment) Act, 2017 (No. 8 of 2018) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, the 19th January, 2018/Pausha 29, 1939 (Saka)

The following Act of Parliament received the assent of the President on the 18th January, 2018, and is hereby published for general information:—

THE INSOLVENCY AND BANKRUPTCY CODE
(AMENDMENT) ACT, 2017

No. 8 OF 2018

[18th January, 2018.]

An Act to amend the Insolvency and Bankruptcy Code, 2016.

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Insolvency and Bankruptcy Code (Amendment) Act, 2018. Short title and commencement.

(2) It shall be deemed to have come into force on the 23rd day of November, 2017.

31 of 2016.

2. In the Insolvency and Bankruptcy Code, 2016 (hereinafter referred to as the principal Act), in section 2,—

Amendment of section 2.

(i) in clause (d), the word "and" shall be omitted;

(ii) for clause (e), the following clauses shall be substituted, namely:—

"(e) personal guarantors to corporate debtors;

(f) partnership firms and proprietorship firms; and

(g) individuals, other than persons referred to in clause (e),".

Amendment
of section 5.

3. In section 5 of the principal Act,—

(a) for clause (25), the following clause shall be substituted, namely:—

'(25) "resolution applicant" means a person, who individually or jointly with any other person, submits a resolution plan to the resolution professional pursuant to the invitation made under clause (h) of sub-section (2) of section 25;'

(b) in clause (26), for the words "any person", the words "resolution applicant" shall be substituted.

Amendment
of section 25.

4. In section 25 of the principal Act, in sub-section (2), for clause (h), the following clause shall be substituted, namely:—

"(h) invite prospective resolution applicants, who fulfil such criteria as may be laid down by him with the approval of committee of creditors, having regard to the complexity and scale of operations of the business of the corporate debtor and such other conditions as may be specified by the Board, to submit a resolution plan or plans."

Insertion of
new section
29A.

5. After section 29 of the principal Act, the following section shall be inserted, namely:—

Persons not
eligible to be
resolution
applicant.

"29A. A person shall not be eligible to submit a resolution plan, if such person, or any other person acting jointly or in concert with such person—

(a) is an undischarged insolvent;

(b) is a wilful defaulter in accordance with the guidelines of the Reserve Bank of India issued under the Banking Regulation Act, 1949;

10 of 1949.

(c) has an account, or an account of a corporate debtor under the management or control of such person or of whom such person is a promoter, classified as non-performing asset in accordance with the guidelines of the Reserve Bank of India issued under the Banking Regulation Act, 1949 and at least a period of one year has lapsed from the date of such classification till the date of commencement of the corporate insolvency resolution process of the corporate debtor;

10 of 1949.

Provided that the person shall be eligible to submit a resolution plan if such person makes payment of all overdue amounts with interest thereon and charges relating to non-performing asset accounts before submission of resolution plan;

(d) has been convicted for any offence punishable with imprisonment for two years or more;

(e) is disqualified to act as a director under the Companies Act, 2013;

18 of 2013.

(f) is prohibited by the Securities and Exchange Board of India from trading in securities or accessing the securities markets;

(g) has been a promoter or in the management or control of a corporate debtor in which a preferential transaction, undervalued transaction, extortionate credit transaction or fraudulent transaction has taken place and in respect of which an order has been made by the Adjudicating Authority under this Code;

(h) has executed an enforceable guarantee in favour of a creditor in respect of a corporate debtor against which an application for insolvency resolution made by such creditor has been admitted under this Code;

(i) has been subject to any disability, corresponding to clauses (a) to (h), under any law in a jurisdiction outside India; or

(j) has a connected person not eligible under clauses (a) to (i).

Explanation.— For the purposes of this clause, the expression "connected person" means—

(i) any person who is the promoter or in the management or control of the resolution applicant; or

(ii) any person who shall be the promoter or in management or control of the business of the corporate debtor during the implementation of the resolution plan; or

(iii) the holding company, subsidiary company, associate company or related party of a person referred to in clauses (i) and (ii):

Provided that nothing in clause (iii) of this *Explanation* shall apply to—

(A) a scheduled bank; or

(B) an asset reconstruction company registered with the Reserve Bank of India under section 3 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002; or

(C) an Alternate Investment Fund registered with the Securities and Exchange Board of India."

6. In section 30 of the principal Act, for sub-section (4), the following sub-section shall be substituted, namely:—

Amendment of section 30.

"(4) The committee of creditors may approve a resolution plan by a vote of not less than seventy-five per cent. of voting share of the financial creditors, after considering its feasibility and viability, and such other requirements as may be specified by the Board:

Provided that the committee of creditors shall not approve a resolution plan, submitted before the commencement of the Insolvency and Bankruptcy Code (Amendment) Ordinance, 2017, where the resolution applicant is ineligible under section 29A and may require the resolution professional to invite a fresh resolution plan where no other resolution plan is available with it:

Provided further that where the resolution applicant referred to in the first proviso is ineligible under clause (c) of section 29A, the resolution applicant shall be allowed by the committee of creditors such period, not exceeding thirty days, to make payment of overdue amounts in accordance with the proviso to clause (c) of section 29A:

Provided also that nothing in the second proviso shall be construed as extension of period for the purposes of the proviso to sub-section (3) of section 12, and the corporate insolvency resolution process shall be completed within the period specified in that sub-section."

7. In section 35 of the principal Act, in sub-section (1), in clause (f), the following proviso shall be inserted, namely:—

Amendment of section 35.

"Provided that the liquidator shall not sell the immovable and movable property or actionable claims of the corporate debtor in liquidation to any person who is not eligible to be a resolution applicant."

8. After section 235 of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 235A.

"235A. If any person contravenes any of the provisions of this Code or the rules or regulations made thereunder for which no penalty or punishment is provided in this Code, such person shall be punishable with fine which shall not be less than one lakh rupees but which may extend to two crore rupees."

Punishment where no specific penalty or punishment is provided.

54 of 2002.

Ord. 7 of 2017.

Amendment
of section
240.

9. In section 240 of the principal Act, in sub-section (2),—

(i) after clause (s), the following clause shall be inserted, namely:—

"(sa) other conditions under clause (h) of sub-section (2) of section 25;"

(ii) after clause (w), the following clause shall be inserted, namely:—

"(wa) other requirements under sub-section (4) of section 30;"

Repeal and
savings.

10. (1) The Insolvency and Bankruptcy Code (Amendment) Ordinance, 2017 is hereby repealed.

Ord. 7 of
2017.

(2) Notwithstanding such repeal, anything done or any action taken under the Insolvency and Bankruptcy Code, 2016, as amended by the said Ordinance, shall be deemed to have been done or taken under the corresponding provisions of the said Code, as amended by this Act.

31 of 2016.

DR. G. NARAYANA RAJU,
Secretary to the Govt. of India.

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P.R. 49
SC - 20

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,

ಆರ್. ಶ್ರೀನಿವಾಸ,

ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ

ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ,

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳ ಇಲಾಖೆ.

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳ ಸಚಿವಾಲಯ

ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಾಖ್ಯೆ 19 ಕೇಶಾಪ್ರ 2018, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 21-08-2018.

ದಿನಾಂಕ: 08-01-2018 ರಂದು ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ Part-II Section-I ರಲ್ಲಿ ಪ್ರಕಟವಾದ The Repealing and Amending (Second) Act, 2017 (No. 4 of 2018) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, the 8th January, 2018/Pausha 18, 1939 (Saka)

The following Act of Parliament received the assent of the President on the 5th January, 2018, and is hereby published for general information:—

THE REPEALING AND AMENDING (SECOND) ACT, 2017

No. 4 OF 2018

[5th January, 2018.]

An Act to repeal certain enactments and to amend certain other enactments.

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

- | | |
|--|----------------------------------|
| 1. This Act may be called the Repealing and Amending (Second) Act, 2017. | Short title. |
| 2. The enactments specified in the First Schedule are hereby repealed. | Repeal of certain enactments. |
| 3. The enactments specified in the Second Schedule are hereby amended to the extent and in the manner mentioned in the fourth column thereof. | Amendment of certain enactments. |
| 4. The repeal by this Act of any enactment shall not affect any other enactment in which the repealed enactment has been applied, incorporated or referred to; | Savings. |
- and this Act shall not affect the validity, invalidity, effect or consequences of anything already done or suffered, or any right, title, obligation or liability already acquired, accrued or incurred, or any remedy or proceeding in respect thereof, or any release or discharge of or from any debt, penalty, obligation, liability, claim or demand, or any indemnity already granted, or the proof of any past act or thing;
- nor shall this Act affect any principle or rule of law, or established jurisdiction, form or course of pleading, practice or procedure, or existing usage, custom, privilege, restriction, exemption, office or appointment, notwithstanding that the same respectively may have been in any manner affirmed or recognised or derived by, in or from any enactment hereby repealed;
- nor shall the repeal by this Act of any enactment revive or restore any jurisdiction, office, custom, liability, right, title, privilege, restriction, exemption, usage, practice, procedure or other matter or thing not now existing or in force.

THE FIRST SCHEDULE
(See section 2)

REPEALS

Year	Act No.	Short title
1	2	3
<i>Central Acts</i>		
1850	XXI	The Caste Disabilities Removal Act, 1850.
1857	VII	The Madras Uncovenanted Officers Act, 1857.
1857	XXI	The Howrah Offences Act, 1857.
1859	XII	The Calcutta Pilots Act, 1859.
1862	III	The Government Seal Act, 1862.
1873	XVI	The North-Western Provinces Village and Road Police Act, 1873.
1875	XX	The Central Provinces Laws Act, 1875.
1876	XIX	The Dramatic Performances Act, 1876.
1879	XIV	The Hackney-carriage Act, 1879.
1879	XIX	The Raipur and Khattra Laws Act, 1879.
1881	XIII	The Fort William Act, 1881.
1882	XXI	The Madras Forest (Validation) Act, 1882.
1883	X	The Bikrama Singh's Estates Act, 1883.
1886	XXI	The Oudh Wasikas Act, 1886.
1888	III	The Police Act, 1888.
1888	VIII	The Indian Tolls Act, 1888.
1893	II	The Porahat Estate Act, 1893.
1895	XV	The Government Grants Act, 1895.
1897	VIII	The Reformatory Schools Act, 1897.
1911	X	The Prevention of Seditious Meetings Act, 1911.
1912	VII	The Bengal, Bihar and Orissa and Assam Laws Act, 1912.
1917	XXV	The Sir Currimbhoy Ebrahim Baronetcy (Amendment) Act, 1917.
1921	XVII	The Cattle-trespass (Amendment) Act, 1921.
1931	XX	The Sheriff of Calcutta (Powers of Custody) Act, 1931.
1932	XI	The Public Suits Validation Act, 1932.
1932	XXIV	The Bengal Suppression of Terrorist Outrages (Supplementary) Act, 1932.
1938	XX	The Criminal Law Amendment Act, 1938.
1941	IV	The Berar Laws Act, 1941.
1942	XVIII	The Weekly Holidays Act, 1942.
1943	XXIII	The War Injuries (Compensation Insurance) Act, 1943.
1947	XVI	The Trading with the Enemy (Continuance of Emergency Provisions) Act, 1947.
1948	26	The Junagadh Administration (Property) Act, 1948.
1949	51	The Requisitioned Land (Apportionment of Compensation) Act, 1949.
1949	61	The Professions Tax Limitation (Amendment and Validation) Act, 1949.
1950	IV	The Preventive Detention Act, 1950.

1	2	3
1950	L	The Preventive Detention (Amendment) Act, 1950.
1950	67	The Cooch-Bihar (Assimilation of Laws) Act, 1950.
1951	3	The Part B States (Laws) Act, 1951.
1951	IV	The Preventive Detention (Amendment) Act, 1951.
1951	51	The Railway Companies (Emergency Provisions) Act, 1951.
1951	66	The Part C States (Miscellaneous Laws) Repealing Act, 1951.
1951	70	The Displaced Persons (Debts Adjustment) Act, 1951.
1952	1	The Part B States Marriages Validating Act, 1952.
1952	XXXIV	The Preventive Detention (Amendment) Act, 1952.
1952	LXI	The Preventive Detention (Second Amendment) Act, 1952.
1954	4	The Abducted Persons (Recovery and Restoration) Amendment Act, 1954.
1954	7	The Government of Part C States (Amendment) Act, 1954.
1954	15	The Transfer of Evacuee Deposits Act, 1954.
1954	20	The Absorbed Areas (Laws) Act, 1954.
1954	36	The Chandernagore (Merger) Act, 1954.
1954	51	The Preventive Detention (Amendment) Act, 1954.
1955	19	The Commanders-in-Chief (Change in Designation) Act, 1955.
1955	30	The Abducted Persons (Recovery and Restoration) Continuance Act, 1955.
1956	4	The Bar Councils (Validation of State Laws) Act, 1956.
1956	50	The Indian Cotton Cess (Amendment) Act, 1956.
1956	65	The Abducted Persons (Recovery and Restoration) Continuance Act, 1956.
1956	88	The Representation of the People (Miscellaneous Provisions) Act, 1956.
1956	97	The Delhi Tenants (Temporary Protection) Act, 1956.
1957	32	The Forward Contracts (Regulation) Amendment Act, 1957.
1957	37	The Legislative Councils Act, 1957.
1957	54	The Preventive Detention (Continuance) Act, 1957.
1959	24	The Pharmacy (Amendment) Act, 1959.
1960	31	The Tripura Municipal Law (Repeal) Act, 1960.
1960	47	The Bilaspur Commercial Corporation (Repeal) Act, 1960.
1960	48	The Mahendra Pratab Singh Estates (Repeal) Act, 1960.
1960	53	The Tripura Excise Law (Repeal) Act, 1960.
1962	62	The Emergency Risks (Goods) Insurance Act, 1962.
1962	63	The Emergency Risks (Factories) Insurance Act, 1962.
1963	29	The Institutes of Technology (Amendment) Act, 1963.
1963	56	The Delhi Development (Amendment) Act, 1963.
1964	23	The Delhi (Delegation of Powers) Act, 1964.
1965	50	The Goa, Daman and Diu (Absorbed Employees) Act, 1965.
1967	16	The Anti-Corruption Laws (Amendment) Act, 1967.
1969	41	The International Monetary Fund and Bank (Amendment) Act, 1969.
1971	65	The Asian Refractories Limited (Acquisition of Undertaking) Act, 1971.

1	2	3
1971	68	The Uttar Pradesh Cantonments (Control of Rent and Eviction) (Repeal) Act, 1971.
1972	36	The Coking Coal Mines (Nationalisation) Act, 1972.
1973	26	The Coal Mines (Nationalisation) Act, 1973.
1975	19	The All-India Services Regulations (Indemnity) Act, 1975.
1976	22	The Assam Sillimanite Limited (Acquisition and Transfer of Refractory Plant) Act, 1976.
1976	28	The Parliamentary Proceedings (Protection of Publication) Repeal Act, 1976.
1976	76	The National Library of India Act, 1976.
1976	89	The Indian Iron and Steel Company (Acquisition of Shares) Act, 1976.
1976	96	The Braithwaite and Company (India) Limited (Acquisition and Transfer of Undertakings) Act, 1976.
1977	16	The Disputed Elections (Prime Minister and Speaker) Act, 1977.
1977	41	The Smith, Stainstreet and Company Limited (Acquisition and Transfer of Undertakings) Act, 1977.
1977	42	The Gresham and Craven of India (Private) Limited (Acquisition and Transfer of Undertakings) Act, 1977.
1978	13	The Hindustan Tractors Limited (Acquisition and Transfer of Undertakings) Act, 1978.
1978	42	The Bolani Ores Limited (Acquisition of Shares) and Miscellaneous Provisions Act, 1978.
1979	12	The Punjab Excise (Delhi Amendment) Act, 1979.
1980	58	The Bengal Chemical and Pharmaceutical Works Limited (Acquisition and Transfer of Undertakings) Act, 1980.
1983	35	The Dangerous Machines (Regulation) Act, 1983.
1984	39	The Punjab Municipal (New Delhi Amendment) Act, 1984.
1984	43	The Aluminium Corporation of India Limited (Acquisition and Transfer of Aluminium Undertaking) Act, 1984.
1984	57	The Bengal Immunity Company Limited (Acquisition and Transfer of Undertakings) Act, 1984.
1985	80	The Customs (Amendment) Act, 1985.
1987	36	The Brentford Electric (India) Limited (Acquisition and Transfer of Undertakings) Act, 1987.
1993	24	The National Thermal Power Corporation Limited, the National Hydroelectric Power Corporation Limited and the North-Eastern Electric Power Corporation Limited (Acquisition and Transfer of Power Transmission Systems) Act, 1993.
1994	56	The Neyveli Lignite Corporation Limited (Acquisition and Transfer of Power Transmission System) Act, 1994.
1999	6	The Delhi Development Authority (Validation of Disciplinary Powers) Act, 1998.
1999	8	The Customs (Amendment) Act, 1998.
1999	49	The Copyright (Amendment) Act, 1999.
2000	20	The Direct-tax Laws (Miscellaneous) Repeal Act, 2000.
2000	48	The Forfeiture (Repeal) Act, 2000.
2001	33	The Influx from Pakistan (Control) Repealing (Repeal) Act, 2001.
2001	36	The Indian Universities (Repeal) Act, 2001.
2001	37	The Auroville (Emergency Provisions) Repeal Act, 2001.
2001	41	The Central Sales Tax (Amendment) Act, 2001.

1	2	3
2001	47	The Two-Member Constituencies (Abolition) and other Laws Repeal Act, 2001.
2002	57	The Mysore State Legislature (Delegation of Powers) Repeal Act, 2002.
2002	65	The Countess of Dufferin's Fund (Repeal) Act, 2002.
2002	66	The Prevention of Food Adulteration (Extension to Kohima and Mokokchung Districts) Repeal Act, 2002.
2002	70	The Refugee Relief Taxes (Abolition) Repeal Act, 2002.
2003	2	The Cable Television Networks (Regulation) Amendment Act, 2002.
2005	38	The Displaced Persons Claims and other Laws Repeal Act, 2005.
2005	44	The Immigration (Carriers' Liability) Amendment Act, 2005.
2006	3	The Central Sales Tax (Amendment) Act, 2005.
2006	18	The National Commission for Minority Educational Institutions (Amendment) Act, 2006.
2006	24	The Cess Laws (Repealing and Amending) Act, 2006.
2006	29	The Taxation Laws (Amendment) Act, 2006.
2006	32	The Spirituous Preparations (Inter-State Trade and Commerce) Control (Repeal) Act, 2006.
2006	46	The Produce Cess Laws (Abolition) Act, 2006.
2006	49	The Indian Rifles (Repeal) Act, 2006.
2007	24	The Mizoram University (Amendment) Act, 2007.
2007	39	The Competition (Amendment) Act, 2007.
2008	25	The Central Universities Laws (Amendment) Act, 2008.
2009	39	The Competition (Amendment) Act, 2009.
2010	20	The National Commission for Minority Educational Institutions (Amendment) Act, 2010.
2010	33	The Jharkhand Panchayat Raj (Amendment) Act, 2010.
2012	27	The Copyright (Amendment) Act, 2012.
2012	31	The Central Educational Institutions (Reservation in Admission) Amendment Act, 2012.
<i>Ordinances made by the Governor-General</i>		
1941	VII	The War Injuries Ordinance, 1941.
1942	XX	The Collective Fines Ordinance, 1942.
1942	XLI	The Armed Forces (Special Powers) Ordinance, 1942.
1944	XXI	The Public Health (Emergency Provisions) Ordinance, 1944.
1945	XXIV	The War Gratuities (Income-tax Exemption) Ordinance, 1945.
1945	XXX	The Secunderabad Marriage Validating Ordinance, 1945.
1946	II	The Bank Notes (Declaration of Holdings) Ordinance, 1946.
1946	VI	The Criminal Law Amendment Ordinance, 1946.
1946	X	The Termination of War (Definition) Ordinance, 1946.

THE SECOND SCHEDULE

(See section 3)

AMENDMENTS

Year	Act No.	Short title	Amendments
1	2	3	4
1951	69	The Plantations Labour Act, 1951	In section 43, sub-section (4) shall be omitted.
2016	2	The Juvenile Justice (Care and Protection of Children) Act, 2015	In section 69, in sub-section (2), for the words, brackets and letters "mentioned at (d) to (f)", the words, brackets, letters and figure "mentioned at clauses (d) to (f) of sub-section (1)" shall be substituted.
2016	49	The Rights of Persons with Disabilities Act, 2016	In section 76, after the word, brackets and letter, "clause (b)", the words, brackets and figure "of sub-section (1)" shall be inserted.

DR. G. NARAYANA RAJU,
Secretary to the Govt. of India.

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SC - 20

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ಆರ್. ಶ್ರೀನಿವಾಸ,
ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ
ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ,
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳ ಇಲಾಖೆ.

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳ ಸಚಿವಾಲಯ
ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಾಘ 26 ಕೇಶಾಪ್ರ 2018, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 27-08-2018.

ದಿನಾಂಕ: 02-08-2018 ರಂದು ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್ ವಿಶೇಷ ಸಂಚಿಕೆಯ Part-II Section-1 ರಲ್ಲಿ ಪ್ರಕಟವಾದ The Negotiable Instruments (Amendment) Act, 2018 (No. 20 of 2018) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, the 2nd August, 2018/Shravana 11, 1940 (Saka)

The following Act of Parliament received the assent of the President on the 2nd August, 2018, and is hereby published for general information:—

THE NEGOTIABLE INSTRUMENTS (AMENDMENT) ACT, 2018

No. 20 OF 2018

[2nd August, 2018.]

An Act further to amend the Negotiable Instruments Act, 1881.

BE it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows:—

	1. (1) This Act may be called the Negotiable Instruments (Amendment) Act, 2018.	Short title and commencement.
	(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.	
26 of 1881.	2. In the Negotiable Instruments Act, 1881 (hereinafter referred to as the principal Act), after section 143, the following section shall be inserted, namely:—	Insertion of new section 143A.
2 of 1974.	“143A. (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, the Court trying an offence under section 138 may order the drawer of the cheque to pay interim compensation to the complainant—	Power to direct interim compensation.
	(a) in a summary trial or a summons case, where he pleads not guilty to the accusation made in the complaint; and	
	(b) in any other case, upon framing of charge.	
	(2) The interim compensation under sub-section (1) shall not exceed twenty per cent. of the amount of the cheque.	
	(3) The interim compensation shall be paid within sixty days from the date of the order under sub-section (1), or within such further period not exceeding thirty days as may be directed by the Court on sufficient cause being shown by the drawer of the cheque.	
	(4) If the drawer of the cheque is acquitted, the Court shall direct the complainant to repay to the drawer the amount of interim compensation, with interest at the bank rate as published by the Reserve Bank of India, prevalent at the beginning of the relevant financial year, within sixty days from the date of the order, or within such further period not exceeding thirty days as may be directed by the Court on sufficient cause being shown by the complainant.	
	(5) The interim compensation payable under this section may be recovered as if it were a fine under section 421 of the Code of Criminal Procedure, 1973.	2 of 1974.
	(6) The amount of fine imposed under section 138 or the amount of compensation awarded under section 357 of the Code of Criminal Procedure, 1973, shall be reduced by the amount paid or recovered as interim compensation under this section.”.	2 of 1974.
Insertion of new section 148.	3. In the principal Act, after section 147, the following section shall be inserted, namely:—	
Power of Appellate Court to order payment pending appeal against conviction.	“148. (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, in an appeal by the drawer against conviction under section 138, the Appellate Court may order the appellant to deposit such sum which shall be a minimum of twenty per cent. of the fine or compensation awarded by the trial Court:	2 of 1974.
	Provided that the amount payable under this sub-section shall be in addition to any interim compensation paid by the appellant under section 143A.	
	(2) The amount referred to in sub-section (1) shall be deposited within sixty days from the date of the order, or within such further period not exceeding thirty days as may be directed by the Court on sufficient cause being shown by the appellant.	
	(3) The Appellate Court may direct the release of the amount deposited by the appellant to the complainant at any time during the pendency of the appeal:	
	Provided that if the appellant is acquitted, the Court shall direct the complainant to repay to the appellant the amount so released, with interest at the bank rate as published by the Reserve Bank of India, prevalent at the beginning of the relevant financial year, within sixty days from the date of the order, or within such further period not exceeding thirty days as may be directed by the Court on sufficient cause being shown by the complainant.”.	

DR. G. NARAYANA RAJU,
Secretary to the Govt. of India.

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ಆರ್. ಶ್ರೀನಿವಾಸ,
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ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ,
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ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳ ಸಚಿವಾಲಯ
ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ ೨೭ ಕೇಶಾಪ್ರ ೨೦೧೮, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: ೨೭-೦೮-೨೦೧೮.

ದಿನಾಂಕ: ೦೨-೦೮-೨೦೧೮ ರಂದು ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ Part-II Section-1 ರಲ್ಲಿ ಪ್ರಕಟವಾದ The State Banks (Repeal and Amendment) Act, 2018 (No. 19 of 2018) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, the 2nd August, 2018/Shravana 11, 1940 (Saka)

The following Act of Parliament received the assent of the President on the 2nd August, 2018, and is hereby published for general information:—

THE STATE BANKS (REPEAL AND AMENDMENT) ACT, 2018

No. 19 OF 2018

[2nd August, 2018.]

An Act to repeal the State Bank of India (Subsidiary Banks) Act, 1959, the State Bank of Hyderabad Act, 1956 and further to amend the State Bank of India Act, 1955.

BE it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the State Banks (Repeal and Amendment) Act, 2018.
- (2) It shall be deemed to have come into force on the 1st day of April, 2017.

Short title and
commencement.

CHAPTER II

REPEAL OF THE STATE BANK OF INDIA (SUBSIDIARY BANKS) ACT, 1959 AND THE STATE BANK OF HYDERABAD ACT, 1956

Repeal and savings.	2. (1) The State Bank of India (Subsidiary Banks) Act, 1959 and the State Bank of Hyderabad Act, 1956 are hereby repealed.	38 of 1959. 79 of 1956.
	(2) Notwithstanding such repeal, anything done or any action taken, including any agreement entered into under the provisions of the State Bank of India (Subsidiary Banks) Act, 1959 by the State Bank of Hyderabad, the State Bank of Bikaner and Jaipur, the State Bank of Mysore, the State Bank of Patiala and the State Bank of Travancore, or under the provisions of the State Bank of Hyderabad Act, 1956 by the State Bank of Hyderabad, shall continue to be in force and have effect as if this Act has not been enacted.	38 of 1959. 79 of 1956.
	(3) The mention of particulars in sub-section (2) shall not be held to prejudice or affect the general application of section 6 of the General Clauses Act, 1897, with regard to the effect of repeal.	10 of 1897.

CHAPTER III

AMENDMENTS TO THE STATE BANK OF INDIA ACT, 1955

Amendment of section 2.	3. In section 2 of the State Bank of India Act, 1955 (hereinafter in this Chapter referred to as the principal Act), clause (h) shall be omitted.	23 of 1955.
Amendment of section 18.	4. In section 18 of the principal Act, in sub-section (1), the words “including those relating to a subsidiary bank” shall be omitted.	
Amendment of section 31.	5. In section 31 of the principal Act, in sub-section (3), in the proviso, in clause (ii), the words “or a director of a subsidiary bank” shall be omitted.	
Amendment of section 31A.	6. In section 31A of the principal Act, in sub-section (3), in the proviso, in clause (ii), the words “or a director of a subsidiary bank” shall be omitted.	
Amendment of section 32.	7. In section 32 of the principal Act,— (a) in sub-section (1), the words “or where there is a branch of a subsidiary bank” shall be omitted; (b) in sub-section (4), the words “or through a subsidiary bank” shall be omitted.	
Amendment of section 36.	8. In section 36 of the principal Act, in sub-section (2), clause (aa) shall be omitted.	

DR. G. NARAYANA RAJU,
Secretary to the Govt. of India.

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ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,
ಆರ್. ಶ್ರೀನಿವಾಸ,
ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ
ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ,
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳ ಇಲಾಖೆ.